

Berkswich CE Primary School			
Reference Number S33	Shared with Staff May 2022	Ratified by Governing Board May 2022	Review Date May 2023
Policy Title	Grievance Policy and Disciplinary Procedures for Staff		

Part One: Grievance Policy

Statement of intent

Berkswich CE works to develop good professional relationships between colleagues and, as a church school, place great importance on the value of each member of our learning community. However, we understand that sometimes conflicts may arise. Through maintaining open communication, it is our sincerest hope that our employees feel able to raise any grievances so that appropriate and effective solutions can be put in place.

This policy should be used for work-related issues such as concerns over working environments or a colleague's behaviour. Grievances relating to discrimination are also covered within this policy.

By implementing and following the procedures in this policy, the school aims to:

- Provide a platform for grievances to be processed and handled fairly and consistently.
- Constructively resolve grievances in a way that avoids damaging professional relationships.
- Enable any employee to have their grievances heard and addressed.
- Encourage a harmonious working environment.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Employment Act 2002
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Equality Act 2010
- Acas (2015) 'Code of practice on disciplinary and grievance procedures'

This policy operates in conjunction with the following school policies:

- Disciplinary Policy and Procedure (part of this policy)
- Staff Code of Conduct
- Data Protection Policy

- Whistleblowing Policy
- Staff Equality, Equity, Diversity and Inclusion Policy
- Teachers' Pay Policy
- Support Staff Pay Policy

2. Roles and responsibilities

The governing board is responsible for:

- Ensuring the effectiveness of this policy by monitoring and reviewing it annually.
- Ensuring that all members of staff read and understand the provisions in this policy.
- Assuming the headteacher's responsibilities, where a grievance is in relation to the headteacher.
- Determining the outcome of a grievance appeal.
- Ensuring no member of staff is discriminated against, in accordance with the Equality Act 2010.
- Handling any incidents of malicious grievance reporting.
- Handling any disciplinary actions following a grievance being raised.

The chair of governors is responsible for:

- Assuming the role of investigation officer in the event that the grievance is against the headteacher.
- Where they are the investigating officer, receiving assistance from the LA's HR department.

The clerk to governors is responsible for:

- Forming an appeal panel, where necessary.

The headteacher is responsible for:

- The day-to-day implementation of this policy.
- Handling any grievances that are brought to their attention.
- Overseeing any grievances raised by employees.
- Appointing an impartial grievance officer, who assists the headteacher in handling any grievances.
- Working with the grievance officer to resolve any grievances as appropriate.
- Assessing information during grievance meetings and investigations, and assisting the grievance officer in determining the best course of action.
- Writing and delivering grievance outcome letters.

Line managers are responsible for:

- Monitoring the working environments of colleagues to identify any conflicts.
- Promoting positive working environments.
- Managing the informal stages of the grievance procedure.
- Working with the grievance officer and headteacher to investigate any grievances within their department.

The grievance officer is responsible for:

- Resolving employees' formal grievances promptly.
- Assisting with the grievance investigation.

- Presenting information at grievance meetings and during any appeal hearings.
- Making any reasonable adjustments to ensure employees are able to attend meetings.
- Remaining unbiased and listening to all sides of the grievance to uncover the truth.
- Appointing an impartial investigation officer.
- Being a witness at appeal hearings.
- Determining what the grievance outcome will be – unless the grievance goes to an appeal, in which case the governing board is responsible.

The investigation officer is responsible for:

- Investigating the facts of a grievance, as directed by the grievance officer and headteacher.
- Providing evidence at grievance meetings.
- Standing as a witness during any appeal hearings.

Employees are responsible for:

- Raising grievances without unreasonable delay.
- Submitting formal grievances in writing to the grievance officer within four months, using the [employee grievance form](#).
- Ensuring any grievances that they raise are truthful and fair.

3. When to raise a grievance

Grievances can be raised when employees have issues with the following (this list is not exhaustive):

- Terms and conditions of their employment
- Health and safety at the school
- Work relationships
- Bullying or harassment
- Working practices
- Organisational changes
- Discrimination

Staff will be made aware of the difference between this policy and the Whistleblowing Policy and will ensure that they report concerns and grievances appropriately.

This policy does not apply to:

- Personal disagreements between employees that are not connected with their duties within the school.
- Restarting grievances that have since been closed unless the facts of the matter have changed. If there has been a change in facts, this policy should be followed.
- Pay gradings – these are addressed by the Teachers' Pay Policy and Support Staff Pay Policy.
- Collective grievances – these should be handled in accordance with a collective grievance process.

4. How to raise a grievance

Employees will raise any initial grievances with their line manager by writing a letter outlining their grievance – the line manager will conduct an informal meeting with the employee raising

the grievance. If the grievance is in relation to their line manager, the employee will raise the grievance with the headteacher.

Initial grievances will be raised within four months of the incident that lead to the grievance. If employees wish to raise a grievance outside of this timeframe, additional supporting information may be required, (e.g. why it took so long to raise the grievance). If employees wish to submit grievances straight to the formal stage, they will submit the grievances to the headteacher.

The table below includes the names and job roles of all individuals within the school who are authorised to hear grievances:

5. Initial handling of a grievance

All information processed during a grievance will be kept in accordance with the Data Protection Policy and Staff Confidentiality Policy.

Employees will have the right to be accompanied at all stages of a formal procedure and may choose to bring a companion to the informal stages. The employee's companion will be either:

- A colleague or friend; or
- A trade union official or accredited trade union representative.

Companions will not:

- Answer questions on the employee's behalf.
- Address the hearing if the employee does not want them to.
- Pose a conflict of interest to the grievance being raised.
- Prevent the employee from explaining their case.

The informal stage

Employees will first submit their grievances to their line managers so that the grievance can go through the informal stage. Line managers will inform the headteacher (unless the grievance is against the headteacher, in which case it would go straight to the chair of governors) and grievance officer that an informal grievance has been made; however, the identities of those involved will not be provided at this stage.

The purpose of the informal stage is to resolve the issue in an open, honest and positive manner, to avoid formal escalation.

The informal meeting will take place within ten working days of the grievance being raised. The line manager will arrange a time for the informal meeting – the employee will be informed of this in writing. If the employee is unable to attend, the line manager will arrange another suitable time.

In the informal meeting, the employee's line manager will determine:

- What the employee is concerned about.
- What outcome the employee is seeking.
- Whether further meetings and escalation to the formal stage are required.

The line manager will keep notes during the informal meeting and the employee will be provided with a copy of these immediately. At the end of the informal meeting, the line manager will agree what action will be taken to achieve the appropriate outcome and by when, e.g.

escalation to the formal stage. The line manager will provide the employee with a written outcome letter within five days of the meeting.

If the grievance relates to another employee, that employee will be informed in writing within five days and the line manager will hold a meeting with them to explain. The identity of the person raising the grievance will not be provided to any other employee.

If the working relationship between the employees for which the grievance is concerned is breaking down, the line manager will consider whether seeking assistance from the headteacher or grievance officer is appropriate.

If a resolution cannot be found during the informal stage, the employee raising the grievance may be advised to escalate the matter to a formal grievance – employees will complete the [employee grievance form](#) to do this.

Grievance hearing – formal stage

The employee will also write a statement of the grievance, which will include:

- A brief description of the events that lead to the grievance, including names and dates.
- An account of how the events made the employee feel.
- What actions the employee has taken to resolve the grievance.
- What outcomes the employee is hoping for.

Line managers will give employee grievance forms and written statements to the headteacher. Employees will be advised to keep a copy of their employee grievance forms and written statements. Once the headteacher receives the employee grievance form and written statement, they will, in liaison with the grievance officer, invite the employee to a formal meeting within 10 working days.

If the employee or their companion is unable to attend the scheduled meeting, a suitable alternative date will be arranged. If the employee is persistently unable or unwilling to attend the meeting without good reason, the grievance officer and headteacher will make a decision based on the evidence available.

The grievance officer will lead the meeting and they will ensure that the employee has an opportunity to explain their grievance. The grievance officer will attempt to resolve the grievance at this meeting, so long as no investigations are required, e.g. no fact checking is required. The headteacher will take minutes during the formal stage meeting – these minutes will be kept confidential and safe, in line with the Data Protection Policy. An electronic copy of the minutes will be shared with the employee immediately.

If no resolution can take place during the formal stage meeting, an investigation will take place and a further meeting will be held within 15 working days.

6. The grievance investigation

The grievance officer will conduct one of the following two investigations:

- A fact checking investigation
- A full investigation

The grievance officer will determine which type of investigation is required on a case-by-case basis. Following the initial formal meeting, the grievance officer may need to conduct a fact checking investigation before resolving the grievance. Fact checking investigations will be

conducted in a professional, timely and non-intrusive manner. These investigations may involve interviews with line managers and email searches.

For full investigations, the grievance officer will:

- Appoint a suitably independent and senior member of staff, e.g. the head of HR, or the chair of governors to be the investigation officer within five working days.
- Assist the investigation officer as far as they can without interfering with the investigation.

During full investigations, the investigation officer will:

- Aim to conclude their investigations within 15 working days.
- Interview the employee concerned, plus other employees whose information may have a bearing on the case.
- Present their findings in writing to the grievance officer, who will provide a copy to all employees involved.

The investigation officer will not be responsible for determining the outcome of the grievance – this responsibility will lie with the grievance officer and headteacher.

7. Grievance outcomes

Once the investigation report has been received, the grievance officer will call a grievance meeting to which the employees concerned, and their companions, will be invited. At this meeting, employees will be given an opportunity to answer any questions that arose from the investigation.

At the grievance meeting, the grievance officer may decide to invite witnesses, e.g. the investigation officer, to answer questions. The grievance officer and the employees concerned will be permitted to ask witnesses questions. Employees will also be permitted to invite witnesses to this meeting.

Once all the information has been presented, the grievance officer will adjourn the meeting to make their decision. The grievance officer will consider each side of the grievance and make a decision – this will be recorded in the outcome letter. The outcomes possible following a grievance are as follows:

- The grievance is upheld in full
- The grievance is rejected in full
- The grievance is partially upheld, e.g. there is validity to some of the grievance
- Mediation

A 'partially upheld' outcome will not be used as an outcome when a decision cannot be reached. Sometimes, mediation will be used as an outcome. This will involve all parties collaborating to find an acceptable outcome.

The grievance officer will write an outcome letter within five working days and provide a copy of this to the employee. The letter will include information on:

- The chosen outcome.
- The reasons for the decision.
- Any facts that the grievance officer has ascertained in coming to their decision.
- Any recommendations or agreed actions to take.
- The employee's right to appeal the decision.

If it is necessary and appropriate to take disciplinary action, the grievance officer, headteacher and governing board will meet to determine what action is appropriate in line with the Disciplinary Policy and Procedure. Disciplinary action will be proportionate and may include, but not be limited to, the following actions:

- Re-training
- Verbal warning
- Written warning
- Suspension with pay
- Termination of employment

Gross misconduct will result in the employee's contract of employment being terminated. If an employee has already received a written warning, suspension with pay may be considered.

Where a grievance is raised against an employee during a disciplinary process, the disciplinary process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related, the grievance officer will deal with both issues concurrently.

8. Appeals

Where employees wish to appeal the outcome of a grievance, they are entitled to do so within 10 working days of receiving the outcome letter.

To raise an appeal, employees will complete the [grievance appeal form](#) and explain why they are dissatisfied with the outcome – this form will be given to the clerk to governors. The clerk to governors will:

- Acknowledge receiving the form within five working days.
- Arrange an appeal meeting within 10 working days.
- Invite the grievance officer and investigation officer to the meeting.

The governing board will form an appeal panel comprising three governors who have not been compromised. The appeal panel will decide which governor will be the chairperson and who will take notes – this process will be formally minuted by the clerk to governors. The appeal panel will review the paperwork and interview any relevant witnesses before making their decision.

The employee will:

- Be given the opportunity to explain their case at the meeting.
- Be permitted to bring a companion.
- Not introduce new grounds for raising their concern.

When the panel have heard all the information, including the rationale for the original judgement, they will make a decision on the outcome. The outcome decision will be provided to the employee in a written letter within five working days of the appeal meeting. The panel's decision will be final.

9. Malicious grievances

Disciplinary action may be taken against employees making malicious grievances. Bullying, harassment or victimisation will not be tolerated.

All employees will be made aware of the school's Staff Code of Conduct and act in accordance with it. All employees will adhere to the Staff Equality, Equity, Diversity and Inclusion Policy.

10. Monitoring and review

The headteacher, governing board and grievance officer will review this policy on an annual basis. The next scheduled review date for this policy is date.

Any changes made to this policy will be communicated to all employees immediately.

Part Two: Disciplinary Procedure

Statement of intent

The main purpose of the disciplinary procedure is to encourage an employee, whose standard of work or conduct is unsatisfactory, to improve. The procedure serves to ensure that this is done in a fair and consistent manner.

The disciplinary procedure is not contractual and may be varied by the school. Berkswich CE Primary expressly reserves the right to depart from the terms of the disciplinary procedure in circumstances where the employee does not have two years' qualifying service.

The disciplinary procedure is strictly confidential and all aspects, including all documentation and records, shall be treated as such. In line with this policy, the following will be adhered to:

- In minor cases of alleged misconduct, the manager should initially seek to resolve the matter informally by discussion with the employee.
- The disciplinary procedure is to be used where an employee's work or conduct is alleged to be unsatisfactory.
- Each step and action under the procedure must be taken without unreasonable delay, by either the school or the employee.
- The timing and location of meetings must be reasonable.

Please note: Disciplinary actions that relate to allegations of abuse about a member of staff will also be managed in line with the Allegations of Abuse Against Staff Policy.

11. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Education Act 2011
- The Teachers' Disciplinary (England) Regulations 2012
- DfE (2018) 'Teacher misconduct: the prohibition of teachers'
- DfE (2021) 'Keeping children safe in education'
- DfE (2021) 'Teachers' Standards'
- DfE (2020) 'Teacher misconduct: disciplinary procedures for the teaching profession'

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Staff Code of Conduct
- Child Protection and Safeguarding Policy

- Grievance Policy
- Allegations of Abuse Against Staff Policy

12. Roles and responsibilities

The governing board is responsible for:

- Monitoring and reviewing this policy on an annual basis to ensure its effectiveness.
- Ensuring that all members of staff have read and understand the provisions outlined in this policy.
- Initiating disciplinary action and deciding the appropriate level of action where an allegation is made against the headteacher.
- Ensuring a culture is established where employees are supported and assisted in achieving and maintaining the required standards of conduct.
- The dismissal of staff and for delegating the hearing of appeals to a sub-committee, if necessary.

The headteacher is responsible for:

- The day-to-day implementation of this policy and maintaining discipline among all staff.
- Ensuring this policy and associated procedure are readily available to all employees and can be accessed in an appropriate format.
- Initiating disciplinary action and deciding the appropriate level of action.
- Ensuring records are kept of all disciplinary meetings and communications with employees.
- Ensuring that all documentation relating to disciplinary issues is retained in accordance with the schools Records Management Policy.
- If a matter progresses to a disciplinary hearing, presenting details of the employee's failure to meet and maintain the required standards of conduct.
- Communicating the outcomes of disciplinary procedures to employees.
- If a matter concerns a safeguarding issue, ensuring the DSL has been notified.

Employees are responsible for:

- Familiarising themselves with the standards outlined in the Staff Code of Conduct.
- Adhering to the provisions outlined in this policy and cooperating with the disciplinary procedure.
- Attending all meetings, interviews and hearings that take place in accordance with this policy and its associated procedure.
- Lodging appeals to the headteacher within five working days of receiving a decision.
- If choosing to be accompanied to a disciplinary or appeal hearing, notifying the disciplinary officer who their chosen companion is, in good time before the hearing.

13. Powers

The school has delegated powers to the following levels (or above) of staff:

Sanction	Disciplinary officer	Appeal officer
Level 1: First warning	Deputy headteacher	Headteacher
Level 2: Written warning	Deputy headteacher	Headteacher

Level 3: Final warning	Deputy headteacher	Headteacher
Level 4: Dismissal.	Headteacher	Chair of Governors

Where the employee is employed by the school at the level of the appointed disciplinary officer, then the next level of management up will ordinarily deal with the matter; for example, where an allegation is raised regarding an assistant headteacher, a deputy headteacher will ordinarily be the disciplinary officer and the headteacher will ordinarily be the appeal officer.

For allegations regarding the headteacher, the chair of governors shall have the authority to be the disciplinary officer and a nominated governor will hear the appeal. For allegations regarding the chair of governors, a nominated chair of governors will have the authority to be the disciplinary officer and any appeal will be to another nominated chair of governors.

In a case where the person who would normally be the disciplinary officer is compromised through existing circumstances, is significantly involved in the investigation, or does not have the resource to deal with the matter at that time, the case will normally be dealt with by an alternative at the same level or the next level of management, i.e. another deputy headteacher or headteacher within the school.

Before any disciplinary decision is made, the employee will be advised of the allegations against them and will be given the opportunity to state their case. The employee will be notified in writing of the allegations to be answered, plus any documentary evidence, before the disciplinary hearing.

The employee must make every effort to attend an investigative interview or disciplinary hearing and failure to attend, without good reason, may be treated as misconduct in itself. If the employee fails to attend without good reason, or if they are persistently unable to do so (for example, for health reasons), the school may have to take a decision based on the available evidence.

Investigatory meetings will not, by themselves, result in any disciplinary action.

At any disciplinary hearing or appeal hearing, the employee will have the right to put forward their case. The school will only consider evidence presented by the employee which is relevant to the allegations.

The school shall be entitled to manage the time and resources allocated to a disciplinary matter, including managing the time of a disciplinary hearing and allocating time within a disciplinary hearing. This may result in limiting the amount of time allocated to an employee to present their case.

The decision and the reasons shall be communicated in writing to the employee. An employee will be advised of their right of appeal and how to exercise that right.

14. The right to be accompanied

The employee may bring a companion to any disciplinary or appeal hearing under this procedure. The companion may be either a trade union official, a trade union representative or a work colleague not involved in the matter. The employee must tell the disciplinary officer who their chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties, without loss of pay, but no one is obliged to act as a companion if they do not wish to do so.

If the choice of companion is unreasonable, the school may ask for the employee to choose someone else. For example:

- If in the school's opinion the employee's companion may have a conflict of interest or may prejudice the hearing.
- If the companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards.

The school may, at its absolute discretion, allow the employee to bring a companion who is not a work colleague or union representative (for example, a member of family) if this will help the employee overcome barriers to effective participation caused by a disability.

At a hearing, the companion may make representations to the school and ask questions, but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a hearing.

15. Trade union representatives

Although normal disciplinary standards will apply to the conduct and performance of trade union representatives as employees, no disciplinary action or suspension will be taken until the circumstances of the case have been discussed with an appropriate trade union official. In the case of suspension, this may not be practical and should not prevent leaders taking action.

16. Suspension

In certain circumstances, consideration may be given to suspending the member of staff from their place of work at the outset of the investigation or at any stage during the course of the investigation. The school will consider and document why suspension is necessary before making this decision, and will consider alternatives to suspension, where possible.

The suspension will be for no longer than is necessary and the school will confirm the arrangements to the employee in writing.

The decision to suspend may only be taken by a headteacher or chair of governors. If the headteacher or chair of governors is unavailable, the decision may be delegated to a nominated deputy headteacher, who must make every effort to contact the headteacher or chair of governors, to discuss the case and be authorised to make the decision.

Where the headteacher is suspended, the chair of governors only has the power to do so and must notify the full governing board.

In other cases, the school board should be informed through the chair of governors.

While the employee is suspended, they should not visit the school site or contact any of its pupils, parents, governors, chair of governors, members or colleagues, unless the employee has been authorised to do so by the headteacher.

While suspended, the school will provide the employee with a named contact with whom they can liaise to support them through the investigation.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive their salary during the period of suspension. Every effort will be made to avoid lengthy periods of

suspension. The decision to suspend, and the conditions of suspension, will be reviewed periodically and the employee will be updated as, and when, necessary.

17. Investigations

The purpose of an investigation is for the school to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any relevant witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. An employee does not have the right to bring a companion to an investigative interview; however, the school may, in its absolute discretion, allow an employee to bring a companion if it helps the employee to overcome barriers to effective participation caused by a disability or in exceptional circumstances.

The employee must cooperate fully and promptly in any investigation. This will include informing the school of the names of any relevant witnesses, disclosing any relevant documents to the school and attending investigative interviews if required. Any failure to comply may lead to disciplinary action. It is incumbent on the employee, during the investigation stage, to raise details of additional witnesses whom the school should interview during the investigation.

The school will make every effort to maintain confidentiality and guard against unwanted publicity whilst an allegation is being investigated. Where an employee has been accused of misconduct by a pupil, the school ensures that no material is published or made public that could identify the employee as the subject of the allegation.

Reporting restrictions will remain in place until the employee is charged with an offence or until the Secretary of State publishes information on the outcome of the investigation. Reporting restrictions will be disapplied if the employee waives their right to anonymity by going public themselves or by giving their written consent for another to do so, or if the restrictions are lifted by a judge.

18. Criminal charges

Where the employee's conduct is the subject of a criminal investigation, charge or conviction, the school will investigate the facts before deciding whether to take formal disciplinary action.

The school will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the school may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the school considers that it is relevant to the employee's employment.

19. Procedure at disciplinary hearings

At the beginning of the hearing, the disciplinary officer will introduce those present and the purpose of the meeting. The employee will be reminded of their right to be accompanied (if the employee has not chosen to be accompanied by a trade union representative or a work colleague). The disciplinary officer will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any relevant evidence.

Witness evidence (save for additional matters that the employee wishes to raise) is provided through witness statements. There is no right for either the school or the employee to call witnesses to the disciplinary hearing. As such, there is no power for the school or the employee to cross-examine witnesses (albeit that the disciplinary officer may ask questions of the employee). Should the employee wish to question the evidence provided by another witness in the investigation then this should be raised by the employee during the investigation or upon receipt of the investigation documents.

The employee will be given a full opportunity to ask questions and put forward any mitigating factors which they believe are relevant to the allegations. Once the employee has been afforded an opportunity to explain their position, the disciplinary officer will do either of the following:

- Give the decision and explain the reasons for the decision, and confirm as soon as possible in writing
- Inform the employee that the decision will be given in writing as soon as possible

The disciplinary officer may adjourn the disciplinary hearing if the school needs to carry out any further investigations in light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider and comment on any new information obtained before a decision is given.

20. Levels of disciplinary action

There are four stages, each of which is designed to cover the varying seriousness of the cases. The stages give a proper sequence for persistent cases. Where the case is of sufficient importance or seriousness to use the procedure, disciplinary action will be taken at whatever stage appears appropriate to the circumstances. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice and without pay in lieu of notice.

The following decisions will be confirmed in writing:

- **Level 1:** A first warning may be given where the case is of sufficient importance or seriousness to bring to the attention of the employee formally. The time limit shall be six months (excluding the Summer holiday) from the date of the decision.
- **Level 2:** A written warning may be given where the case has already involved a first warning and insufficient improvement has been made, where further misconduct has occurred, or where the case is of sufficient importance or seriousness. The time limit shall be nine months (excluding the Summer holiday) from the date of the decision.
- **Level 3:** A final warning may be given where the case has already involved a written warning and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient importance or seriousness. Also where gross misconduct may not warrant dismissal, for example due to mitigating

circumstances. The time limit shall be 12 months (excluding the Summer holiday) from the date of the decision; however, in exceptional circumstances, misconduct may be so serious that if repeated at any time in the future, the likely consequence is dismissal. The individual/s making the decision may impose a final written warning and specify that such a warning will remain in force for a longer period of time.

- **Level 4: Dismissal.** An employee is likely to be dismissed where the case has already involved the final warning and insufficient improvement has been made or where further misconduct has occurred or where the case is so serious as to constitute gross misconduct or where there is some other substantial reason.

Breaches of discipline will be disregarded after the specified period of satisfactory conduct, but will remain permanently on the employee's personnel file.

21. Alternatives to dismissal

In some cases, the school may, at its discretion, consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include the following:

- Demotion
- Transfer to another department or job
- A period of suspension without pay
- Loss of seniority
- Reduction in pay
- Loss of future pay increment

22. The decision letter

A letter detailing the decision will be given to the employee and a copy placed on their personnel file, if a warning is issued. Following the outcome of the hearing, the decision letter will state:

- The reason for the decision.
- The course of action to be followed by the employee.
- The timescale in which improvement is required, if applicable.
- Where assistance is required, the assistance which will be made available to the employee (e.g. training and guidance).
- The date on which the warning will elapse.
- That further disciplinary action will be considered if there is further misconduct or insufficient improvement within the timescale of the warning.
- The right of appeal against the decision and how to exercise that right.

If the warning is a final, it will also state that if the employee's conduct continues to be unsatisfactory or if there is further misconduct, it may lead to dismissal.

23. Time limit for warnings

The time limits for warnings are as follows:

- **First warning:** the time limit shall be 6 months (excluding the Summer break) from the date of the decision
- **Written warning:** the time limit shall be 9 months (excluding the Summer break) from the date of the decision

- **Final warning:** the time limit shall be 12 months (excluding the Summer break) from the date of the decision

In exceptional circumstances, misconduct may be so serious that if repeated at any time in the future the likely consequence is dismissal. The individual/s making the decision may impose a final written warning and specify that such a warning will remain in force for a longer period of time.

Breaches of discipline will be disregarded after the specified period of satisfactory conduct, but will remain permanently on the employee's personnel file.

24. Right of appeal

All employees have the right of appeal. Appeals must be lodged in writing to the headteacher within five working days of the decision being communicated to the employee, i.e. usually within five days of the date of the outcome letter.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal; however, if the appeal is successful, the employee will be reinstated with no loss of continuity of pay.

If the employee raises any new matters in their appeal, the appeal officer may need to carry out further investigations. If any new information comes to light, the appeal officer will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.

The school will give the employee written notice of the date, time and place of the appeal hearing. The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the school's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible. Where possible, the appeal hearing will be conducted impartially by a more senior manager who has not been previously involved in the case. The employee may bring a companion to the appeal hearing.

The appeal officer may adjourn the appeal hearing if the school needs to carry out any further investigations in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before a decision is given.

The appeal officer may do any of the following:

- Confirm the original decision
- Revoke the original decision
- Substitute a different penalty

The appeal officer will inform the employee in writing of the final decision as soon as possible. There will be no further right of appeal.

25. Referrals to the Teaching Regulation Agency and DBS

Allegations of serious professional misconduct by a teacher may be referred to the Teaching Regulation Agency (TRA). A referral is appropriate if the alleged misconduct is so serious, it warrants a decision on whether a teacher should be prevented from teaching.

If an individual may have harmed a child or vulnerable adult, or put a child or vulnerable adult at risk of harm, a referral to the DBS must be made by the employer. In these cases, advice should be sought from the school's HR advisor.

26. Monitoring and review

This policy is reviewed annually by the headteacher and governing board.

Employee grievance form

Employees who wish to raise a formal grievance are required to complete this form and submit it to their line managers. If employees wish to raise a formal grievance immediately, they should give this form to the headteacher.

Please note: grievances should be raised within four months of the incident that led to the grievance.

This form is for formal grievances only. Please also provide a letter outlining:

- A brief description of the events that led to the grievance, including names and dates.
- An account of how the events made you feel.
- What actions you have taken to resolve the grievance.
- What outcomes you are hoping for.

Employee details			
Name			
Job title		Form completion date	
Grievance details			
Does your grievance relate to another member of staff?		Yes ☐	No ☐
If the grievance relates to your line manager, give this form to the headteacher.			
If the grievance related to the headteacher, give this form to the chair of governors.			
Date of last incident relevant to grievance:			
Please provide details of the grievance:			
Please detail any individuals involved:			
Please provide details of your preferred solution:			
Are you being supported by a colleague, trade union official or trade union representative?		Yes ☐	No ☐
If yes, please provide their name:			
Employee's signature			

Grievance appeal form

Please submit this form to the clerk to governors within 10 working days of receiving the grievance outcome letter.

Employee details			
Name			
Job title		Form completion date	
Grievance appeal details			
Date of grievance meeting:			
Outcome of grievance meeting:			
Please provide details of the grievance appeal:			
Please provide details of your preferred solution:			
Are you being supported by a colleague, trade union official or trade union representative?		Yes ☐	No ☐
If yes, please provide their name:			
Employee's signature			