



## **Disciplinary Procedure**

(Updated **May** 2020. Next Review May 2023)

Parents' Association of Mikolaj Rej Polish School is committed to ensuring that all individuals, whether paid, voluntary or Trustees provide the highest standard of care, honesty, professionalism and confidentiality in handling school business. For this reason, the school has numerous policies and ways of working.

### **What is a Disciplinary Procedure?**

A Disciplinary Procedure is a procedure that is put into place should there be a breach of discipline or a decrease in the level of performance and where an informal warning has proved ineffective. It provides the step by step actions and escalation process that needs to be followed in such situations.

It is important that breaches of policies or ongoing performance issues are dealt with effectively from the point of view of the School, and fairly in the interest both of the School and individuals contributing to the School.

Fortunately, the need for formal disciplinary action is rare, as most cases can be settled with an informal warning which will be recorded.

### **Responsibilities**

#### Head Teacher

- has responsibility to maintain standards of work and conduct of teaching staff
- needs to ensure that teaching staff know the School's rules and are aware of the expected standards.

#### Trustees

- have responsibility to maintain standards of work and conduct of the Head Teacher
- have responsibility to maintain standards of work and conduct of employees other than teaching staff
- have responsibility to maintain standards of work and conduct of all the Trustees and non-teaching volunteers
- need to ensure that the Head Teacher, employees, Trustees and volunteers know the School's rules and are aware of the expected standards.

#### Employees/Trustees/volunteers

- have a responsibility to familiarise themselves with their obligations and to study their contract of employment and the School's policies.

### **Procedure**

Minor or straightforward matters can be handled without a disciplinary hearing but if the School considers the matter is more serious, the procedure set out below will be used.

It may be necessary in some cases to suspend an employee on full pay in order that the facts of the case may be properly investigated. This is not considered a disciplinary action.

### Disciplinary Committee

A disciplinary committee will be set up for all disciplinary hearings, made up from appropriate individuals depending on who is being disciplined.

The Disciplinary Committee will gather information regarding the case. Once the facts have been investigated the Disciplinary Committee will interview the employee (except where the individual is absent without authority), and observe the following procedure.

The individual will be:-

- advised he/she is the subject of disciplinary action in advance of the hearing
- given particulars of the alleged complaint in advance of the hearing
- told of his/her statutory right to be accompanied by a work colleague to the hearing
- given the opportunity of seeing/hearing all of the evidence of the alleged complaint
- given full opportunity to deny any part of the allegation against him/her and to state his/her case
- given the opportunity to provide evidence including the testimony of witnesses in his/her defence or in mitigation.

Where the above procedure cannot be followed by reason of the individual's absence without authority, the Disciplinary Committee will satisfy themselves to the best of their ability that they are in possession of the full facts.

The Disciplinary Committee will decide whether the individual has behaved in a way contrary to the School's requirements, and if so, will determine the penalty, which will be one of the penalties set out in the Penalty section below. If the penalty is a verbal warning, the matter is closed.

### Confirming Authority

A Confirming Authority needs to be appointed, if the penalty is anything other than a verbal warning. A Confirming Authority would be a senior Trustee member. The Confirming Authority will review the case and decide whether to confirm or amend the penalty decided upon by the Disciplinary committee.

The individual shall be advised of the decision and of his/her rights of appeal. These are tabulated in the Appeals section.

### Appeal Panel

The Appeal Panel is composed of the Chair and another Trustee, none of whom have been involved in either the Disciplinary Committee or Confirming Committee.

### **Penalties**

If the individual is found to have committed the infringement and/or behaved in a way contrary to the Company's requirements, the appropriate penalty will be one of the following:

#### Verbal Warning

In the case of a minor infringement the individual will be given a verbal warning. The individual will be advised of the reason for this warning, that it constitutes the first step of the disciplinary procedure and of their right of appeal. A note of the verbal warning will be kept but will be disregarded for disciplinary purposes after 12 months.

#### Written Warning

If there is no improvement or if the infringement is regarded as more serious, the individual will be given a formal written warning (by-passing the verbal warning if appropriate) giving details of the

complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and that a final written warning may be considered if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept but will be disregarded for disciplinary purposes after 12 months from issue.

#### Final written warning

Where there is a failure to improve or change behaviour during the period of a prior warning, or where the infringement is sufficiently serious, the individual will normally be given a final written warning which may include demotion and/or change of duties and/or reduction in salary if appropriate. It will give details of the infringement, warn the individual that a failure to improve or modify behaviour may lead to dismissal and their right to appeal. The final written warning will be disregarded for disciplinary purposes after 12 months from issue.

#### Dismissal

If the individual's conduct or performance still fails to improve, or in the case of serious infringement, the final step of the disciplinary procedure is dismissal. In these circumstances, the individual will be informed of the reasons for the dismissal, the date on which their employment with the School will terminate, the appropriate period of notice (or pay in lieu of notice) and information on their right of appeal, including how to make the appeal and to whom. The decision to dismiss will be confirmed in writing. If the individual has one year's continuous service or more then they may request a "written statement of particulars of reasons for dismissal". The school may be required to notify the authorities of the dismissal and the circumstances in which it has occurred.

#### **Appeal Procedure**

The individual has the right to appeal against any decisions made under the Penalties section. Appeals must be in writing and be sent to the Chair of Trustees within five working days of the employee receiving the letter setting out the penalty. The appeal should state the grounds on which the individual believes an appeal is justified.

#### **Examples of Infringements**

##### Minor Infringements

Any breach of the policies of the School may be treated as an infringement under this Policy, depending on the circumstances. The following are only examples of "minor infringements" which will normally be regarded in the first instance as less serious and handled separately by a verbal warning from the School.

- unsatisfactory attendance
- lateness without an adequate cause
- disorderly or improper conduct of a minor nature
- breach of rules of a minor nature
- unsatisfactory performance of a minor nature.

This list is not to be regarded as exhaustive.

##### Serious Infringements

The following are only examples of "serious infringements" which will warrant a more severe penalty than provided for in the above section, and can result in dismissal with notice, either with or without a warning, where the School considers this appropriate:-

- persistence in any of the infringements mentioned in the above section
- failure to comply with an instruction, whether written or verbal
- the consumption of alcohol on the School's premises other than on an authorised occasion
- negligence resulting in minor loss, damage or injury

- other more serious breaches of contract or policies
- any act which undermines the basis of mutual trust on which the contract of employment rests
- bankruptcy or entering into any arrangement with creditors
- serious professional incompetence.

This list is not to be regarded as exhaustive.

### Gross Misconduct

The following are examples of “gross misconduct” which will be regarded as extremely serious and may result in summary dismissal without notice or compensation:

- misappropriation, or attempted or actual fraudulent use of the School’s funds or property
- stealing or attempted stealing from the School or another employee including data
- wilful damage to the School’s, Hosting School’s, pupil’s or another employee’s property or equipment, or behaviour likely to result in such damage
- the illegal use, possession or purveying of drugs
- any act of gross negligence or gross misconduct having or likely to have a detrimental effect on the School
- deceiving or attempting to deceive the School regarding the conduct of the employee’s financial affairs
- deliberate breach of any safety or security policy, or behaviour liable to endanger the health or safety of others
- giving false information or failure to give relevant information in answer to the School’s enquiries when joining our employment or at any other time
- assault on another individual, except in self-defence
- any act of racial discrimination, sexual harassment or discrimination, bullying, or discrimination against the disabled, or incitement to or participation in any such act
- failure to report criminal offences as detailed in the section below on reporting criminal offences
- conviction for any criminal offence which brings the School into disrepute (other than an offence under the Road Traffic Act for which only a fine or points are imposed);
- receiving any unauthorised secret benefit, commission, bonus, drawback, etc. in relation to work carried out on behalf of the School
- unauthorised disclosure of information, acquired at the School, which concerns the School’s business, or which is of commercial value to the School.

This list is not to be regarded as exhaustive.

It should be noted that certain disciplinary actions may be reported to the relevant authorities.

### **Status of this procedure**

This policy is not part of your contract of employment and does not create contractual rights or obligations. It may be amended by the School at any time.