

## Code of Conduct

This policy must be read in conjunction with the schools' Safeguarding Policy 2017, Annex A and KCSIE September 2016 with particular reference to:

- **STAFF PROCEDURE IN A CHILD PROTECTION SITUATION**
- **CONFIDENTIALITY AND INFORMATION SHARING**
- **TYPES OF ABUSE AND NEGLECT AND THE WARNING SIGNS**
- **INFORMING PARENTS**
- **PROCEDURES WHEN A MEMBER OF STAFF (OTHER THAN THE DESIGNATED SAFEGUARDING LEAD OR HEAD TEACHER) FACES ALLEGATIONS OF ABUSE**
- **HANDLING UNFOUNDED OR UNSUBSTANTIATED ALLEGATIONS**
- **ALLEGATIONS INVOLVING THE HEAD TEACHER /DESIGNATED SAFEGUARDING LEAD**
- **WHISTLEBLOWING**
- **TAKING, STORING AND USING IMAGES OF CHILDREN**
- **APPENDIX 2 KEEPING CHILDREN AND STAFF SAFE GUIDELINES (March 2016)**
- **APPENDIX 3 CAMERA, MOBILE PHONE AND PHOTOGRAPHY POLICY FOR EYFS-RECEPTION CLASS**
- **APPENDIX 4 THE COUNTER-TERRORISM SECURITY ACT – THE PREVENT DUTY**
- **APPENDIX 5 Missing Child Procedure**
- **APPENDIX 6 Late Collection Policy**
- **APPENDIX 7 7 Golden Rules**
- **ICT POLICY**
- **E-Safety Policy**
- **Behaviour policy**
- **Mutual Respect Policy**

All staff should strive to fulfill the vision and maintain the principal factors outlined below.

### THE VISION

We are a school that promotes a multi-faith ethos, which is reflective of our student body; we strive to provide excellent academic and PHSEC education consistent with the needs of every child, enabling them to develop the skills and resilience to cope with the demands of the 21<sup>st</sup> Century.

### The principal factors that give our school the character and strength it has are:

- As a small independent, all through, girl's school, from Reception to Year 11 we stress the importance of the development of each girl as a whole person. We expect each girl to develop confidence in her ability and the determination to use her talents to the full. She is encouraged to make decisions, accept responsibility for her actions, and to respect those around her.
- The principal factors that give Park School the character and strength it has is the belief that children are entitled to the highest quality education, which enables all children to achieve their full potential, and so prepare them for the opportunities, responsibilities and experiences of future life. We expect every girl to strive for self-confidence in her ability to use her talents to the full and respect individuality.

- At the heart of Park School's philosophy is the child-centered approach. We respect that every child is unique and has their own strengths, attributes and areas to develop. We are genuinely committed to understanding the individual and providing the environment and support, which will enable every child to flourish and succeed. We do this by respecting their needs and adapting the education to meet those needs. This philosophy underpins our approach to learning inside and outside the classroom.
- Our aim is to guide young people to become rounded individuals, happy in themselves and able to make a genuine contribution to society.

Other factors that give our school character and strength are that we strive to:

- Nurture self-esteem and promote respect, honesty, reliability, courtesy and consideration for others.
- Foster a love of learning to produce strong, independent and enthusiastic life-long learners.
- Produce reflective individuals who are thoughtful, tolerant and outward looking.
- Encourage high personal standards and expectations.
- Enable the best possible level of achievement, have the tools to be happy, successful, and fulfilled in their future lives.
- Prepare children to be good citizens, respecting British values.

We aim to work closely with parents to achieve these objectives and the small class sizes provide the vehicle by which we can achieve these aims.

### **Purpose**

This code sets out the key principles and values for adults in this school, professional standards expected and the duty upon adults to abide by it.

For the purposes of this Code the term and references to 'adult' means the following: governors, all teaching and other non-teaching staff (whether or not paid or unpaid, employed or self-employed and whether or not employed directly by the school), external contractors providing services to pupils on behalf of the school, adult trainees and other trainees/apprentices, volunteers and any other individuals who work for or provide services on behalf of or for the school to include but not limited to all those detailed in the single central record (as amended). For the purposes of this code 'young person/people', 'pupils' and 'child/ren' includes all those for whom the school provides education or other services.

All adults have a duty to keep pupil's safe, promote their welfare and, to protect them from radicalisation (the Prevent duty), abuse (sexual, physical and emotional), neglect and safeguarding concerns. Adults that demonstrates integrity, maturity and good judgement in part, exercise this duty through the development of respectful, caring and professional relationships between adults and pupils and behaviour. Following this code will help to safeguard adults from being maliciously, falsely or mistakenly suspected or accused of misconduct in relation to pupils.

The Code cannot address every possible circumstance in which adults might find themselves. It is intended, however, that adults are mindful of the Code in relation to the judgements, which they will be called upon to make in situations that may occur both within and outside

the professional context. Although the behaviours described in this Code will be unthinkable to the vast majority of registered adult and members of the public, we have a duty to identify them so that the boundaries of professional behaviour and conduct are clear and public trust in adults is maintained.

### **Scope**

This code applies to all adults in the school, to include adults, admin staff, the Bursar, cleaners and all other support staff. It covers relationships between adults/adults and pupils, adults and colleagues, and all those who have an interest in the life of the school.

## **1. PROFESSIONALISM IN MAINTIANING TRUST IN THE PROFESSION – REFERS TO ALL ADULTS**

- 1.1** You must maintain appropriate professional boundaries, avoid improper conduct or relationships with pupils and respect your unique position of trust as an adult.
- 1.2** You should avoid situations both within and outside the professional context which could be in breach of the criminal law, or may call into question your fitness to teach/work at the school, or activities out of school which bring may the school into disrepute.
- 1.3** You must uphold standards of personal and professional conduct, honesty and integrity so that the public, parents, students and other members of staff have confidence in you as an adult and teaching as a profession.
- 1.4** You should be professional, honest and act with integrity in your dealings and correspondence with official bodies and employers.
- 1.5** You should maintain an awareness that as an adult you are a role model throughout.
- 1.6** You are prohibited from promoting extremist views or invite speakers with extremist views to speak at the school.

### **Commentary**

Parents and carers in particular, and the public in general, place a very high degree of trust in those who are educating pupils and rely on adults to interpret what is right and what is wrong. Adults are often called upon to make difficult decisions regarding pupils and therefore, in exercising judgement, you should think very carefully of the implication and potential consequences of the options open to you. As an adult, you should also bear in mind how your decision and subsequent action may appear or be interpreted by others not fully aware of all the circumstances.

### **Pupils**

Adults should establish professional boundaries and recognise the negative impact that actual or perceived breaches of these would have upon pupils and the confidence of the public, including parents, students and other members of staff.

**With regard to relationships with pupils you should:**

- In the managing of behaviour be aware of and adhere to behaviour management protocols and strategies and not harm or use physical violence/corporal punishment, against a child or pupil in or outside the school context.
- Take into account reasonable norms and best practice when conducting interviews with pupils, in a disciplinary context, and have due regard to their age, stage and individual circumstances. Reasonable adjustments in behaviour management must be taken with regard to SEND.
- Appreciate fully that the onus is upon you as the adult or other member of staff and not the pupil to distance yourself from any potentially inappropriate situation.
- Sexual contact with or remarks towards a pupil of school age, regardless of the apparent consent of the individual concerned are strictly prohibited. Such behaviour remains prohibited even if consensual with a pupil who has reached the age of consent, due to the adult being in a position of trust. [See Safeguarding Policy September 2017 for further guidance.
- Be mindful that professional boundaries can be perceived to extend beyond a pupil's educational establishment leaving date. In situations of this nature, therefore, you should exercise great care and professional judgement taking into account all the factors involved.
- Not attempt to establish an inappropriate relationship with any pupil by means which might include (but are not limited to):
  - communication of a personal nature
  - engage in an inappropriate way through the Internet or by other means with pupils
  - sending emails or text messages to pupils of an inappropriate nature
  - visiting pupils at home, unless visiting a pupil of the school to whom an adult is related or visiting the home of another adult who is a parent at the school.

**As an adult you must:**

- Not discuss with pupils your own intimate and personal relationships and be mindful to maintain an appropriate balance between formality and informality when you are dealing with pupils.
- Take care to avoid becoming personally involved in a pupil's personal affairs.
- Be aware of the potential dangers of being alone with a pupil (in particular those under 18 years of age) in a private or isolated situation, using common sense and professional judgement to avoid circumstances which are, or could be, perceived to be of an inappropriate nature. This is also the case in connection with social media and social networking websites, outside the school and in areas such as music, physical education and drama. In such situations, adults should always leave a door open or be in a room with visibility panels in the doors.
- Be mindful that the Internet and social media can quickly blur the professional boundary between adult and pupil. Adults need to be alert to the risk that actions which might, on the face of it, seem quite innocent, can be misunderstood and misconstrued by others. [See ICT and e-Safety policies for further guidance]
- Avoid inappropriate communication via social media with individuals under 18 or in relation to whom you may be in a position of trust or have a professional relationship. [See ICT policy and e-safety policy for further guidance]

- All adults must ensure they stay professional and consider carefully what they post and what they share on social media, as failing to do so can harm your personal, professional and digital reputations.
- It is also important that you do not post any personal information regarding students, their parents or other members of staff; much of this type of information is confidential and sharing it is not only unprofessional but can also result in disciplinary action.
- It is an adult's responsibility to know exactly what is and is not visible on social media, should a student search for your name; as such adults must ensure they familiarise themselves with the privacy settings of the social media they use, ensuring that settings are always set to 'private', limiting the information they post and ensuring it is not available to the public. Adults should also avoid public posts. **Failing to comply with these procedures could put you at risk of disciplinary action.**
- Adults should think carefully about what they post, even if you are on privacy settings, it is important to remember anything you post can be copied or screenshotted, or even misinterpreted.
- Not by any means or in any circumstances, make, view or access illegal or inappropriate images of children.
- Be conscious of the negative impact of being under the influence of alcohol or recreational drugs in the professional setting.
- Adults are required to report to the Head Teacher if they or a member of staff is taking any medication, whose side effects may affect their ability to undertake certain aspects of their role.

### **Educational Excursions**

Excursions have an important part to play in the life of pupils, and can greatly enrich the educational experience of pupils taking part.

Physical safety is of prime importance. However, particularly in the residential setting, relationships tend to be less formal and the environment is very different from that in an educational establishment. You should not allow yourself to overstep the professional boundaries and remember that the professional standard of behaviour expected of you on an educational excursion outside the structure of the normal working day is no different from that of the professional norm.

#### **Accordingly you should ensure, for example, that you:**

- have a full knowledge of, and comply with, the procedures and guidelines laid down for these activities by the school and the requirements of health and safety.
- Are always mindful of the need to maintain an appropriate balance between formality and informality and avoid situations which are, or could be reasonably perceived to be of an inappropriate nature.
- careful consideration to be given to appropriate supervision and protocols in relation to staff entering pupils' sleeping accommodation on residential visits. With this regard, only female staff should enter sleeping accommodation, with prior notice by knocking on doors and alerting the pupils that they are there, only entering with the permission of the pupils.

### **Honesty and Integrity**

The good standing of the teaching profession is at the heart of the regulation of the teaching profession and by the government. As an adult you must, therefore:

- not engage in behaviour of a criminal nature, especially related to sex, dishonesty, firearms, misuse of drugs and violence against a person or property or serious public order offences, which would be of a particular concern in regard to a adult's professional status and fitness to teach.
- Be honest and trustworthy, especially avoiding offences such as theft, dishonesty, extortion, fraud or misuse of drugs.
- Have due regard to the trust in you as a adult and therefore act with integrity and honesty in making declarations and undertakings, professional applications/submissions, in the writing of references for colleagues or pupils and in the conduct of tasks in connection with examinations and/or assessments.
- Not knowingly hinder, or refuse to engage with the government in the discharge of its regulatory functions.

## 2. ADULT RESPONSIBILITIES TOWARDS PUPILS

**As an adult:**

- 2.1 you must treat sensitive, personal information about pupils with respect and confidentiality and not disclose it unless required to do so by your employer or by law.
- 2.2 You must be truthful, honest and fair in relation to information you provide about pupils.
- 2.3 You should aim to be a positive role model to pupils and motivate and inspire them to realise their full potential.
- 2.4 You must maintain an up-to-date knowledge and understanding of, implement and comply with, child procedures as they may currently apply in school.
- 2.5 You should recognise your role as a professional in delivering the best outcomes for children and young people.
- 2.6 You must raise any concerns which you may have about the behaviour of any colleague in connection with the child, using the appropriate procedures in place. [See Whistleblowing as part of the Safeguarding policy 2017]
- 2.7.1 You should be aware of the right of a child to equal treatment, the child's best interests, and principle of giving appropriate weight to the views of a child.
- 2.8 You are prohibited from visiting student's homes with the intention of offering private tuition.
- 2.9 You are prohibited from using your mobile phone around the school during the school

day, you are also prohibited from taking images of pupils on your mobile phone. Only use a school-issued mobile to contact a pupil (e.g. on a trip or school outing). Pupils' mobile telephone numbers and text messages should not be used and mobile phone numbers of pupils must not be stored on a personal mobile and pupils should not ever have access to adults' personal mobile numbers  
[See Safeguarding Policy/use of Cameras, 2017]

3.1 You are prohibited from transporting pupils in your own vehicle at any time whether in or out of school hours.

3.2 It is inappropriate to shout, humiliate or use sarcasm against a pupil.

### **Commentary**

- You should display a sensitive and positive attitude towards differences among pupils, identify, and respond appropriately to those with difficulties in, or barriers to, learning. When necessary, you should seek advice in relation to their additional support needs.
- As an adult, you should have high expectations of and provide realistic challenges for pupils, ensuring that learning tasks are varied in form, differentiated and devised to build confidence in and promote self-worth for all pupils as well as enable pupils to realise their full academic potential.
- You should identify and respond appropriately to indications of the wellbeing and welfare of pupils, including bullying and discrimination, ensuring that their initiative and independent learning are encouraged and nurtured.
- Pupils of school age spend a large proportion of their time in school and therefore an adult plays a pivotal role in child protection as they are well placed to see symptoms and signs. In particular adults have a duty to uphold and report concerns relating to FGM. [Also see Safeguarding Policy 2017]
- Adults should keep up-to-date with the school's child protection procedures and operate within them. [Also see Safeguarding Policy 2017]
- The protection of children is of the utmost importance. Adults cannot ignore behaviour of any colleague which he or she may genuinely feel falls short of norms and standards in this regard and such concerns should be raised through the procedures available. [See Whistleblowing, as part of Safeguarding Policy 2017]
- Staff are expected to dress in a smart/casual appearance.
- The offer of any gift or hospitality, whether from outside or inside the school, which might be interpreted as an attempt to influence an adult in his or her conduct towards pupils, parents or other employees or influence a decision around provision of a service must be treated with caution. The governing body acknowledges that pupils, parents or fellow-employees often wish to make small gifts to the staff of the school on specific occasions (such as Christmas or at the end of the school year) and sees the spirit of giving as one to be nurtured in children.

## **3 PROFESSIONAL COMPETENCE - REFERS TO ALL ADULTS**

- 3.1 You should maintain and develop your professional practice in the following areas:
- professional knowledge and understanding

- professional skills and abilities
- professional values and personal commitment.

**3.2** You should refresh and develop your knowledge and skills through Continuing Professional Development and maintenance of good reflective practice.

### **Commentary**

#### **Professional knowledge and understanding**

You should have a detailed knowledge and understanding of the relevant areas of the primary or secondary curriculum and an understanding of curriculum development and keep up-to-date with these changes. This should include a broad, critical understanding of the principal features of the education system, policy and practice and a detailed knowledge of sector and professional responsibilities within these.

#### **Professional values and personal commitment**

You should be able to show in your day-to-day practice a commitment to social justice and inclusion, take responsibility for your own professional learning and development and be an active partner in the communities in which you work.

#### **Professional skills and abilities**

##### **You should be able to:**

- plan and implement teaching programmes that match varying pupils' needs, communicate effectively through different media in varying contexts and use varied teaching strategies and resources.
- Organise and manage resources and pupil behaviour to achieve safe, orderly and purposeful activity.
- Understand the principles of assessment, recording and reporting, and reflect on and act to improve your own professional practice in order to meet the needs of your pupils.
- If you are taking medication which may affect your ability to care for children you must inform the Head Teacher.
- Adults must also be aware that any type of medication that they carry with them must be stored securely.

## **4 PROFESSIONALISM TOWARDS COLLEAGUES, PARENTS AND CARERS**

### **As an adult:**

- 4.1** you should work in a collegiate and co-operative manner with colleagues and members of other relevant professionals.
- 4.2** You must treat all colleagues, parents, and carers fairly and with respect, without discrimination.

- 4.3** You should not make malicious or unfounded criticism of, or accusations about, colleagues that may undermine them professionally or in the professional judgements, they make.
- 4.4** You should promote good relationships between home and school and as such, respect the role of parents and carers in the learning experience as appropriate.
- 4.5** You should exercise great care when expressing opinions in public about your employer and be mindful of the Data Protection Act requirements concerning handling information about parents, carers and pupils.

## **Commentary**

### **Colleagues**

Everyone in the workplace should be able to work in an environment, which is free from discrimination and harassment. Adults should work in a collegiate way, treating all colleagues professionally.

#### **As an adult:**

- avoid undermining a colleague by remarks which are or could be perceived as being malicious, unfounded or unprofessional. This is of particular importance when in contact with parents, carers and pupils.
- Guard against inappropriate communication with, or behaviour towards, colleagues, which is or could be perceived as being of an unprofessional, discriminatory or harassing nature.

### **Parents and carers**

- Success in the education of pupils is greatly enhanced by the active involvement of their parents or carers or key adults in their lives.
- As appropriate, parents and carers should be seen as vital partners in the learning experience and therefore as an adult you should:
  - be professional in dealings with parents and carers and avoid making comments, being drawn into inappropriate discussions or divulging confidential information about other pupils, colleagues or the educational establishment.
  - Encourage the involvement of parents and carers as appropriate in the learning experience, welcoming them as active participants in the life of the school, and working in partnership with the school.

## **5 EQUALITY AND DIVERSITY – REFERS TO ALL ADULTS**

In line with the Equality Act 2010, we wish to promote equality, diversity, and we respect and value difference. We want to promote an inclusive atmosphere that incorporates people from

a range of diverse backgrounds. Through respecting the principle of equal treatment, this will benefit both pupils and adults.

**As an adult:**

- 5.1 Engage and work positively with pupils, colleagues, parents and carers in an open, inclusive and respectful way, in line with the law and with a non-judgemental approach whatever their background, personal circumstances, cultural differences, values and beliefs.
- 5.2 Help pupils to understand different views, perspectives and experiences and develop positive relationships both within the school and in the local community.
- 5.3 Recognise that you are a role model and therefore should be aware of the potentially serious impact which any demonstration by you of intolerance or prejudice could have upon your standing as an adult working in the school and your fitness to teach/ work in the school.

## 6 GRIEVANCE PROCEDURE FOR ALL ADULTS

**This procedure does not form part of your contract of employment, except to the extent required by law.**

### Introduction

**6.1 Introduction:** If you have any grievance relating to any aspect of your employment you should endeavour to have it settled in accordance with this procedure. This procedure may not be appropriate for disciplinary or capability matters. Once a grievance is raised the school should arrange a meeting without unreasonable delay in order to deal with the grievance.

**6.2 Status:** Although this procedure is discretionary, the School will follow a fair and effective procedure in the event that you wish to raise a grievance. There may be occasions when the School considers it appropriate to change or omit parts of the procedure. If the School amends the procedure, you will be given advance notice of the amendments.

### The Procedure

**6.3 Raising your grievance:** School problems should be resolved fairly, promptly and as near as possible to the point of origin i.e. between the persons involved. Therefore, in the first instance, you should raise the grievance orally and informally with any other person involved. If this is not appropriate or does not resolve your grievance you should raise it informally in discussion with your Head of Department, Senior Teacher [for the Prep School] or Deputy Head. For non-teaching staff, with the Head Adult. If your grievance cannot be resolved informally, you should then raise it formally with your Head of Department, Senior Adult [for the Prep School] or Deputy Head. You may put your grievance in writing. If your grievance is against the Head of Department and you feel that you cannot raise it with them, then you should raise your grievance with the Head Adult.

**6.4 Investigating your grievance:** Your Head of Department or Senior Adult, or the Head Teacher should investigate your grievance by speaking to all the people involved. He/she should consider possible solutions and implications. A meeting will normally be convened with you and any other people involved, especially if the grievance is contested, to discuss the grievance with a view to obtaining a resolution. The resolution or outcome of the investigation will be notified to you in writing as soon as reasonably practicable. It is important that records of any meetings are kept as you may need to refer to them at a later stage of the process.

**6.5 Right to be accompanied:** You can make a reasonable request to be accompanied to any meeting held to discuss your grievance by a colleague or trade union official of your choice who may advise you and make a statement to the meeting.

### **Appeal**

**6.6 Initiating an Appeal:** If you are dissatisfied with the outcome, you may appeal by notifying the Head Adult in writing within 5 working days giving full details of why you wish to appeal.

**6.7 Appeal Procedure:** The Head shall investigate your appeal (See 6.4). She may call for copies of all relevant documents and convene a hearing, if appropriate, which you may attend. You will have the right to give your point of view and you have the right to be accompanied to the appeal hearing as above (see 6.5). The Chair of governors will also be present.

**6.8 The appeal decision:** The Head's decision shall be final and shall be confirmed to you in writing as soon as is practicable after it has been reached.

**6.9 Head's Involvement:** If the grievance is against the Head or if it was initially investigated by the Head, then it will be necessary for the Appeal to be dealt with by the governors.

**6.10 Governor's Involvement:** The Chair of governors together with two additional governors will form the panel which will deal with the Appeal which involves the Head or if the grievance was initially investigated by the Head. Both the Head and the member of staff involved will be interviewed by the panel. Both the Head and the member of staff can be accompanied by a colleague or a trade union representative [if the appeal involves a grievance against the Head.] The governing body's decision will be final and shall be confirmed to all parties involved, in writing, as soon as is practicable after a decision has been reached.

**6.11** All grievance proceedings and records will be kept confidential by the School.

## 7 CAPABILITY AND DISCIPLINARY PROCEDURE – REFERS TO ALL ADULTS

### CAPABILITY PROCEDURE

**This procedure does not form part of your contract of employment, except to the extent required by law.**

#### Introduction

**7.1 Status:** The School will follow a fair and effective procedure where your capability is in question. [There may be occasions when the School considers it appropriate to change or omit parts of the procedure. If the School amends the procedure, you will be given advance notice of the amendments.]

**7.2 Conduct:** This procedure does not apply to misconduct, or to incompetence, incapability or other poor performance that is attributable to misconduct.

#### The procedure

**7.3.1 Investigation:** As a first step any capability issue will be investigated. If, after investigating the matter, it appears that there are no reasonable grounds for concern, you will be informed, and, if relevant, allowed to return to work as normal. Investigation will include, for adults lesson observation, work scrutiny, analysis of exam results and the conclusions of the staff members most recent appraisal. For non-teaching staff, the Bursar will investigate, the investigation will include, discussion with colleagues, work scrutiny and performance.

**7.3.2 Next stage:** If it is considered necessary to take formal action in respect of issues relating to your performance, a Capability Meeting will be held. You will be given [at least 5 days] advance notice of the Capability Meeting and will be told, in writing, the purpose of it and the nature of the concern.

**7.3.3 Right to be accompanied:** You can make a request to be accompanied to the Capability Meeting by a work colleague, or a representative from your Union who may advise you and make a statement to the Capability Meeting.

**7.3.4 The Capability Meeting:** The Head will conduct the Capability Meeting and your Head of Department may be asked to attend. You will be able to ask questions and put forward your point of view. For non-teaching staff the Capability Meeting will be conducted by the Head and the Bursar may be asked to attend. The meeting will address your performance and discuss any measures needed to correct and improve this. Whenever possible the School will offer reasonable assistance and time to help you improve. The following will be considered and discussed with you at the meeting:

- **Concerns relating to your performance**
- **Your response**
- **The respects in which your performance has fallen short of the required standards**

- **Suggestions as to any appropriate support/training/supervision which could improve your performance**
- **The time in which performance must improve**
- **The likely consequences of further instances of poor performance or a failure to improve within a specified time.**

**7.3.4 Action Outcomes:** Following the Capability Meeting, the following steps may be taken:

**First, there may be an Oral warning** - in the case of minor instances of poor performance you will be given a formal oral warning, which will be recorded, and which will set out details of the poor performance and the time-period for improvement. (This stage is discretionary)

**Subsequently:**

**Written warning** – if you fail to improve within the time referred to in the oral warning or you are found to have fallen short of the required standards in any other respect, you will be given a written warning, which will set out the details of poor performance and the time-period for improvement.

**Final written warning**- if you fail to improve within the time referred to in the written warning or you are found to have fallen short of the required standard in any other respect, you will be given a final warning, which will set out the details of poor performance and the time period given for improvement.

**Dismissal** – if you fail to improve within the time specified in the final written warning or you have fallen short of the required standards in any other respect, you may be dismissed immediately without notice.

**Currency of warnings:** All written warnings issued following a Capability Meeting will remain in effect for a period of **12 months** from the date of issue unless otherwise advised to you. Copies of such warnings will be placed on your personal file. Oral warnings will remain in effect for **6 months**.

### **Summary Dismissal Action**

Where you have committed a single error due to **gross** negligence and the actual or potential consequences of that error are, or could be, extremely serious, the school may decide that warnings may not be appropriate and in such circumstances, summary dismissal action may be taken.

## **7.4 Appeal**

**7.4.1 Right of appeal:** You have the right of appeal to an Appeal Panel against any sanction or warning imposed on you following the Capability Meeting. The Appeal Panel shall consist of governors appointed by the chair, and shall not include any members of the Capability Panel and may comprise one or more persons.

**7.4.2 Appeal procedure:** You should notify the Head in writing within 5 working days of being notified of the warning or outcome, giving full details of why you wish to appeal. The Appeal Panel will arrange a review meeting or a fresh capability meeting which will take place as soon as reasonable practicable. There shall be no right to appeal from the decision of the Appeal Panel. The Appeal Panel will be entitled to reach a different conclusion and impose a different outcome than that imposed after the Capability Meeting.

**7.4.3 Communication of appeal decision:** When the Appeal Panel has made a decision, it will be communicated to you in writing as soon as is practicable.

**7.4.4 Employment status:** If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect. The period of notice will be deemed to have begun at the date given in the dismissal decision. If having been dismissed you are reinstated on appeal, your continuity of employment will be unaffected.

## **8 DISCIPLINARY PROCEDURE – FOR ALL ADULTS**

**This procedure does not form part of your contract of employment, except to the extent required by law.**

### **8.1 Introduction**

**8.1.1 Status:** The school is not obliged to follow this procedure in every instance. However, the School will follow a fair and effective procedure in the event that disciplinary action is necessary. There may be occasions when the School considers it appropriate to change or omit parts of the procedure. If the School amends the procedure, you will be given advance notice of the amendments.

**8.1.2 Capability:** This procedure does not apply to incompetence, incapability or other poor performance unless this is attributable to misconduct.

### **8.2 The investigation stage**

**8.2.1 Investigation:** As a first step any disciplinary issue will be investigated. If after investigating the matter, it appears that there are no reasonable grounds for concern, you will be informed, and, if relevant, allowed to return to work as normal.

**8.2.2 Suspension:** If the matter to be investigated is thought at any stage of the investigation to involve gross misconduct or it is in the interests of the School, a pupil, an employee or you, the Head may immediately suspend you from work on full pay and benefits while the investigation proceeds. Suspension is not considered as a disciplinary action at this point and will be reviewed weekly to ensure that it is not unnecessarily protracted.

**8.2.3 Separation of roles:** The School may appoint a senior member of staff, to carry out the investigation (the Investigating Officer).

**8.2.4 Preliminary interview:** As part of the investigation, the Investigating Officer may (if considered appropriate) undertake a preliminary interview with you. First of all you will be advised of the nature of the complaint. Then you will be given the opportunity to state your case and submit any relevant documents. You will be given access to any relevant information and papers held by the School.

### **8.3 The Disciplinary Stage**

**8.3.1 Completion of investigation:** If on completion of the investigation the Investigating Officer considers that it is necessary to take formal action in respect of the complaint, a disciplinary hearing will be arranged. You will be invited to attend and will be given at least 5 days advance notice of the hearing. You will be told, in writing, the purpose of the hearing and the nature of the complaint.

**8.3.2 Right to be accompanied:** You can make a request to be accompanied to the Capability Meeting by a work colleague, or a representative from your Union who may advise you and make a statement to the Capability Meeting.

**8.3.3 Witness statements:** If statements have been obtained from witnesses during the course of the investigation you will be given a copy of them. In certain circumstances, it may be necessary to preserve the anonymity of the witness.

**8.3.4 Disciplinary Panel :** The School may appoint a Disciplinary Panel to hear the matter. In appropriate circumstances, the Head may hear the matter with the Deputy Head. The Investigating Officer shall not be a member of the Disciplinary Panel.

**8.3.5 The Disciplinary Hearing:** The Disciplinary Panel will conduct the hearing. The Investigating Officer will be asked to report on his/her investigation. Both you and the Disciplinary Panel will be entitled to question the Investigating Officer and any witnesses. You will be entitled to give your explanation and answer the allegations that have been made and may be questioned by the Investigating Officer as well as by the Disciplinary Panel. You and the person accompanying you will be given the opportunity to address the Disciplinary Panel. The person accompanying you does not have the right to respond directly to questions that are addressed to you but may give you advice on how you should respond.

**8.3.6 Adjournment:** The Disciplinary Panel may adjourn the proceedings at any stage of this appears to be necessary or desirable. If adjourning for the purpose of enabling further information to be obtained, the Disciplinary Panel will specify the nature of that information. You may ask for an adjournment for the purpose of consulting the person accompanying you. Any adjournment will normally be for a specified period of time.

**8.3.7 Decision making:** On completion of the hearing the Disciplinary Panel will retire to consider their decision. Neither you, nor the person accompanying you, nor the Investigating Officer will be allowed to take part in or be present during the Disciplinary Panel's deliberations.

**8.3.8 Communication of decision:** When the Disciplinary Panel has made a decision, it will be communicated to you in writing as soon as practicable. If the complaint is upheld, you will be

informed of the action to be taken, explanation of any penalty imposed and of the right to appeal against the decision.

If the decision has been taken to dismiss you, you will be informed as soon as is reasonably practicable of the reasons for the dismissal, the date on which the contract between the parties will terminate, the appropriate period of notice (or pay in lieu of notice) as well as information regarding your right to appeal.

## 9. DISCIPLINARY ACTION – FOR ALL ADULTS

**9.1 Sanctions:** Depending upon the nature of any misconduct found to have been committed, any explanation given by you and any mitigating circumstances, the Disciplinary Panel may impose any of the following sanctions:

- **A formal oral warning**
- **A first written warning**
- **A final written warning**
- **Suspension without pay for a defined period**
- **Demotion**
- **Dismissal with or without notice.**

**9.2 Currency of warnings:** An oral warning will be recorded on your file for a period of 6 months from the date the warning was given. A written warning will be recorded on your file for a period of 12 months from the date the warning was given.

**9.3 Gross misconduct:** Where there has been gross misconduct the disciplinary Panel may dismiss without notice. You will be notified in writing of the reasons for your dismissal and informed of your right to appeal. Examples of what the School considers to be gross misconduct are set out below:

- Indecent, violent or offensive behaviour whether committed at or outside work
- Misuse of or deliberate damage to school property
- Fraud, theft or dishonesty
- Being on duty whilst unfit due to the influence of drugs and/or alcohol
- Bullying
- Conduct (whether committed at or outside work) which is likely to damage the School's reputation.
- Discrimination on grounds **defined by current legislation** (including harassment or victimisation)
- Disregarding health and safety rules/requirements and endangering yourself or others
- Wilful neglect or refusal of duty
- Misuse of confidential information
- Offences related to drug abuse, sexual misconduct and the abuse of children.

### 9.4 Appeal

**9.4.1 Right of Appeal:** You have the right of appeal to an Appeal Panel against any penalty imposed by the Disciplinary Panel. The Appeal Panel shall consist of Governors appointed by the Chair and shall not include any member of the Disciplinary Panel nor the Investigating Officer and may comprise one or more persons.

**9.4.2 Appeal Procedure:** Such a right of appeal must be exercised in writing, within 5 working days of you being notified of the sanction, giving full details of why you wish to appeal. The notice shall be sent to the Head. The Appeal Panel will arrange a review hearing or a re-hearing to take place as soon as is reasonably practicable. The procedure at the Appeal Hearing shall be the same as that for the Disciplinary Hearing, save that there will be no right of appeal from the decision of the Appeal Panel. Where new evidence arises during the appeal, you, or your representative, will be given the opportunity to comment before any action is taken. The Appeal Panel will be entitled to reach a different conclusion and impose a different sanction than that imposed by the Disciplinary Panel.

**9.4.3 Communication of Appeal Decision:** When the Appeal Panel has made a decision, it will be communicated to you as soon as possible.

**9.4.4 Employment Status:** If an appeal is made against a dismissal decision, that dismissal decision will have immediate effect so that, if the dismissal is by notice, the period of notice will have begun at the date given in the dismissal decision. If summary dismissal without notice has been imposed, you will not be entitled to be paid for the period between that decision and the decision of your appeal unless you have been reinstated on appeal. If, having been dismissed, you are reinstated on appeal, your continuity of employment will be unaffected.

**Approved by the governing body** \_\_\_\_\_

**Revised** **September 2018**

**Due for review** **September 2019**