



THIS POLICY APPLIES TO ALL PUPILS IN THE SCHOOL, INCLUDING THOSE IN THE EYFS.

# **STAFF CONDUCT, DISCIPLINE AND GRIEVANCE POLICY**

**REVIEWED: January 2022**

## **STAFF CONDUCT, DISCIPLINE AND GRIEVANCE POLICY**

### **OPENING STATEMENT**

Belvedere Prep is dedicated to safeguarding and promoting the welfare of its pupils; our policies and practices encompass the needs of all our children from Early Years to Year 6 across all aspects of school life including out of school provision. It is the duty of all members of staff, both teaching and non-teaching, to play an active role in ensuring that each child's needs are met. Effective induction practices for all volunteers, visitors, staff members aims to promote a consistent approach in meeting the needs of the whole school community.

### **INTRODUCTION**

The Belvedere Prep School Board (BPS Board) are committed to ensuring that all staff at the school should be treated in a consistent, fair and sensitive manner. This approach requires that the BPS Board should specify those aspects of misconduct which may warrant consideration under the terms of the School's Disciplinary Procedure.

It is expected that, wherever possible, problems of indiscipline will initially be dealt with through informal counselling. Where such counselling has not led to the desired improvement or the matter is sufficiently serious to warrant immediate formal action, the disciplinary procedure will be operated.

### **SAFE WORKING PRACTICE (STAFF CODE OF CONDUCT)**

Staff, volunteers and helpers need to think and act carefully to avoid situations that could lead to difficulties or embarrassment or accusations. The following points are intended to provide some guidance:

- All who work with children must ensure that the children feel equally valued; favouritism, real or inferred, causes feelings of alienation and can be misconstrued.
- Staff should not take children out on their own and refrain from forming personal relationships exclusively with one individual.
- Staff should take care that any electronic communication with pupils is wholly appropriate and in accordance with Esafety guidance included in Section 11 of this Policy. Staff must not befriend pupils on social networking sites.
- Conversations and behaviour should be friendly but not over familiar. Young people are more comfortable with an adult in role than an adult who seeks to be 'one of the gang'.
- Responsible and appropriate use of authority provides stability and security.
- All children should be treated with dignity and respect in attitude, language use and actions.
- Respect the privacy of the children
- Avoid questionable activity e.g. rough, sexually provocative games and comments.
- Ensure that correct safeguards are in place to cover 'one to one' situations.

This may include individual coaching, instrumental music tuition, administering of first aid, conveying pupils by car etc. One to one situations have the potential to make child more vulnerable to harm by those who seek to exploit their

position of trust. Adults working in one to one settings with pupils may also be more vulnerable to unjust or unfounded allegations being made against them.

- Make sure that the only people allowed into an activity are the adults assigned to the group. You should not allow others to have free access unless they have a specific reason e.g. guest speaker, maintenance person.
- Physical contact should reflect the child's need not the adult's.
- Physical contact should be age appropriate and generally initiated by the child not the adult.
- Physical contact should take place only in public.
- Children have the right to decide how much physical contact they have with others, except in exceptional circumstances when they need medical attention.
- Any act of restraint involving physical contact must be recorded in writing and the Headteacher notified, in the event the Headteacher is involved this should be passed to the Safeguarding Governor, Schools Director or Proprietor. A record of such incidents will be kept.
- Physical contact must be in accordance with the school policy on acceptable physical restraint, further details of this can be found in the school behaviour policy
- Staff should monitor one another in the area of physical contact. They should be free to help each other by pointing out anything that could be misunderstood.

## **DISCIPLINARY ISSUES**

At Belvedere Prep we aim to maintain a well motivated, highly skilled and professional staff team. However, occasionally action will need to be taken to encourage improvement in individual behaviour and performance.

The school will provide a fair and consistent method of dealing with disciplinary incidents. Our aim is always to support and encourage staff, while promoting good employment relations.

The purpose of the Disciplinary Procedure is to outline a recognised and consistent system to deal with any issues of conduct, capability or other circumstances which may result in a disciplinary warning or dismissal.

The Disciplinary Procedure does not form part of the contract of employment for the first year of continuous employment.

Before considering a warning or dismissal, steps will be taken by the school to establish the facts.

At any stage of the Disciplinary Procedure staff may be suspended, on full pay, whilst investigations are carried out. This does not mean that you have been, or will be found guilty of any particular offence or act of misconduct.

## **INFORMAL DISCUSSION**

Before taking formal disciplinary action, the Headmistress will make every effort to resolve the matter by informal discussions with the parties concerned. Only where this fails to bring about satisfactory improvement or outcomes will disciplinary procedures be formally implemented.

If it is necessary for the school to take action under the Disciplinary Procedure you will be issued with a written statement setting out the nature of the conduct,

capability or other circumstances that may result in a disciplinary warning or dismissal. You will only be issued with a disciplinary warning or dismissed following a formal disciplinary meeting, at which you will have been given the right to be accompanied by a fellow employee or an accredited trade union official. You should take all reasonable steps to attend the meeting. Throughout the Disciplinary Procedure you will be given the opportunity to respond to any complaint before any decision on a disciplinary warning or dismissal is taken.

The school may commence the Disciplinary Procedure, depending on the circumstances, at any of the following levels:

### **VERBAL WARNING**

Once a formal warning has been given by the Headmistress, the member of staff in question will be notified of this and given an explanation for the warning. They will further be informed of their right of appeal. A written note of the warning will be kept on the school's records.

A record of the verbal warning will be placed in your personnel file.

### **WRITTEN WARNING**

If, following a formal verbal warning, there is insufficient improvement in standards, or if a further incident occurs, a written warning will be issued. This will state the reason for the warning and that, if there is no satisfactory resolution in an agreed timescale, a final written warning will be given.

A written warning will be issued and a copy placed in your personnel file.

### **Final WRITTEN WARNING**

If the member of staff's conduct or performance remains consistently unsatisfactory, or if the misconduct is sufficiently serious, a final written warning will be given making it clear that any further breach of the standards, or other serious misconduct, may result in the employee's dismissal.

A final written warning will be issued and a copy placed in your personnel file.

### **Dismissal**

Dismissal may be with or without notice depending on the circumstances, and may occur whether or not warnings have been issued.

You will be entitled to appeal against any disciplinary or dismissal decision taken, such appeal being held in accordance with the Appeal Procedure, which is outlined below.

The lists below are those considered the focus of this policy. They are not exclusive or exhaustive and there may be other matters which are sufficiently serious to warrant categorisation and consideration as either 'misconduct' or 'gross misconduct'. 'Gross misconduct' occurs when the actions complained of are such that it is not feasible to tolerate the continued attendance of the employee at the place of work whilst the matter is being investigated.

For the purpose of the disciplinary procedure, the terms 'misconduct' and 'gross misconduct' are also taken to include 'negligence' and 'gross negligence' where the occurrence amounts to a breach of contract.

### **GENERAL RULES (THIS LIST IS NOT EXHAUSTIVE)**

- You must conduct yourself and perform your work at all times in a manner that is in the interests of the school. Any conduct detrimental to

its interests or its relations with any third party, or damaging to its public image, shall be considered to be a breach of the school's rules.

- You have an obligation to ensure that you do not act in a manner, which could be considered to be of an unlawful discriminatory nature, which includes harassment and bullying.
- You are expected to achieve and maintain a good standard of work and to show a conscientious approach to the job or to the detail of that job to a standard that may reasonably be expected.
- You are expected to show the skill or aptitude required for the job, especially where such skills are claimed or implied at the time your employment commenced.
- You are expected to read and observe all authorised notices that are displayed by the school.
- You must not perform, arrange or carry out any work or activity that could be considered to be in competition with or affect in any way the school's interests.
- You are engaged on the basis that you must be prepared to undertake reasonable duties other than those for which you have been specifically engaged to ensure maximum efficiency.
- You must not make use of telephones, e-mail or postal facilities or any other communication mode for personal purposes without the prior permission of the Headmistress. You must adhere to the school's policy with regard to the use of mobile phones.
- You are not permitted to remove material or equipment of any kind from the school without prior permission.
- You must not enter unauthorised areas of the premises without the express approval of the Headmistress.
- The Headmistress reserves the right of entry into all rooms including those provided for the use of staff. Due notice would be given where appropriate.
- You must notify the school immediately of any incident causing damage to property belonging to the school (e.g. building, machinery and equipment) or to the property of fellow employees or visitors.
- Working time and/or the school's material or equipment must not be used for any unauthorised work.
- You must act in accordance with the school's working procedures.
- Personal hygiene and appearance must be of a very high standard.
- Visitors are not allowed onto the premises at any time without prior authority.
- An orderly and courteous manner must be maintained in front of children and parents.
- Socialising is not permitted on the premises without prior authorisation.
- You are required to submit your person or property to being searched whilst on the school's premises, or at any time at the reasonable requirement of the school.
- You must comply with the school's rules on no smoking and vaping, including no smoking in vehicles.
- You must not be under the influence of alcohol or any other substance which may affect your ability to care for children. If you are taking medication that is likely to affect your ability to care for children, you should seek medical advice and inform the Headmistress, who will determine when you are fit to continue your role. If you have any

personal medication on the premises, you must ensure that it is securely stored, and out of the reach of children at all times.

## **GROSS MISCONDUCT**

**The following acts are examples of Gross Misconduct offences and as such will render you liable to Summary Dismissal (i.e. Dismissal without notice and without previous warnings). This list is not exhaustive.**

- Fighting, physical assault or dangerous horseplay.
- Deliberate refusal or wilful failure to carry out a reasonable and lawful direct instruction given by management during working hours.
- Serious insubordination.
- Serious cases of bullying, offensive, aggressive, threatening or intimidating behaviour or excessive bad language.
- Theft or misappropriation of the school's property.
- Wilful damage or negligence involving damage to property belonging to the school, customers/clients, other employees or the general public.
- Performing, arranging or carrying out any work or activity which could be considered to be in competition with, or which adversely affects in any way, the school's interests.
- Fraud or any other illegal offence committed against the school.
- Drinking alcohol during working hours, being under the influence of alcohol/drugs and/or drug abuse.
- Being in possession of or dealing in illegal drugs whilst at work.
- Breach of safety rules and/or any action, which seriously endangers the health or safety of an employee, or any other person whilst at work.
- Deliberately making a false entry in the written records of the school.
- Knowingly giving false information or deliberately omitting relevant information on the job application form or curriculum vitae.
- Failure to obtain or loss of DBS status.
- Unlawful discrimination, harassment and bullying.
- Receipt of bribes to effect the placing of business with a supplier of goods or services.
- Inaccurate or fraudulent recording and/or submissions of financial transactions.
- Unauthorised access to or disclosure of any confidential information from whatever source including any personal data under Data Protection legislation.
- Falsification of working hours.
- Criminal offence causing harm to the reputation of the school or relations with the school's employees.
- Unauthorised access to or disclosure of any part of the school's computer data.
- Acts of gross negligence or misconduct involving careless or reckless driving, including the use of hand-held mobile phones whilst driving.
- The unauthorised use of mobile phones.
- Failure to notify the school and to give a full report of any incident involving a parent's vehicle in which damage is caused to other property, vehicles, persons or any incident involving the Police.
- Indecent or lewd behaviour of a serious nature.

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- Smoking and vaping inside the school's premises and/or vehicles while on school business.
- Serious misuse of the school's e-mail/Internet or other computing resources.
- Abandoning duty without notification.
- The act of copying computer software without authorisation.
- The use of unauthorised software on school PCs.
- The unauthorised disabling of anti virus software.
- Failure to carry out necessary virus checks.
- Use of pirate software on school PCs.
- Corporal punishment.
- Maltreatment of children.
- Sleeping on duty.

Issues relating to the use of the Staff Conduct, Discipline and Grievance Policy and the terms 'misconduct', 'gross misconduct', 'negligence' and 'gross negligence' may sometimes relate to complaints against staff and the separate Complaints Procedure document may need to be read in conjunction with this policy.

The Appeal Procedure does not form part of your contract of employment for the first year of continuous employment.

If you wish to appeal against any disciplinary warning or a decision to dismiss, you should apply in writing within 5 working days. You will be invited to attend a meeting and you should take all reasonable steps to attend.

After the appeal meeting you will be informed of the final decision.

Wherever possible, you should address your appeal to the next higher level of Managerial authority immediately above the person who determined the disciplinary warning or a decision to dismiss.

You should address your appeal to a Director, as set out in the Appeal Procedure, which is contained in your Statement of Main Terms of Employment. You will be given the opportunity to be accompanied at the meeting by a fellow employee or accredited trade union official.

## **GRIEVANCE**

This grievance procedure is intended to provide the means by which an individual employee who has a grievance about his/her employment can seek to resolve it as swiftly and as close to the point of origin as possible. Where the grievance cannot be resolved by a senior member of staff or the Headmistress, the procedure provides for a formal hearing involving the BPS Board.

A grievance is a complaint by an employee about any aspect of his/her employment, e.g. nature or range of duties, conditions of service, relationships with other staff. The grievance must be one that lies within the powers of the management of the school to resolve, e.g. it cannot be about matters determined by national legislation. A grievance is not available in addition to or in substitution for the right of hearing and appeal established under other staffing procedures (e.g. disciplinary action or redundancy selection).

Employees' grievances will be treated seriously and will be resolved as quickly as possible. Employees have the right to raise the grievance at a higher level. In certain cases it may be necessary for information or advice to be sought from others outside the school and this may delay the timescale for resolution.

At any stage of the procedure the Headmistress and/or the BPS Board will refer to Citation guidelines and consultants for guidance to bring about a resolution outside of a formal hearing. Such attempts are without prejudice to the position of both parties in the procedure.

At all stages staff involved are entitled to be accompanied by a professional 'friend'. During the formal procedures witnesses may be called and questioned by either side.

## **Procedure**

### **STAGE 1 INFORMAL CONSIDERATION**

Where the employee has a grievance which involves another member of staff, he/she should first of all seek to resolve it by a direct approach to the person(s) concerned. If the matter cannot be resolved in this way the employee should then request an interview with the Headmistress. Wherever possible, the interview should take place within one week of the request being made. The Headmistress will arrange to investigate the grievance and seek to resolve it in consultation with any other member(s) of staff involved. Where the grievance is against the Headmistress or a BPS Board, the employee should discuss the matter with the Headmistress before proceeding to stage 3. Informal consideration by the BPS Board may precede a formal hearing.

### **STAGE 2 CONSIDERATION BY THE HEADMASTER**

Where the matter cannot be resolved by informal discussion, the employee will be requested to set out his/her grievance in writing and the matter will be further investigated by the Headmistress. If appropriate there may be formal interviews with any staff affected in order to reach a decision. All parties will be given the opportunity to state his/her/ their case either orally or in writing. By mutual agreement the BPS Board, professional association/trades union or consultants may be consulted. A decision will be given by the Headmistress as soon as possible after receipt of the written grievance. This should be within one week, whenever practical to do so.

### **STAGE 3 FORMAL HEARING BY DIRECTORS PANEL**

Where the outcome remains unacceptable to the employee, formal written notice of the grievance must be sent to the BPS Board, with a copy to the Headmistress and any other member(s) of staff directly concerned. This letter should:

1. give full details of the grievance, together with any supporting documentation;
2. give details of the steps already taken to resolve the issue; and
3. state the resolution that is being sought.

The Directors will invite the Headmistress and any other member(s) of staff involved in the grievance to make a written response. The hearing should take place as soon as possible after the written grievance and responses have been received but a minimum of one week's notice should be given to the parties concerned. All documentation should be made available to the BPS Board panel in advance of their hearing. The employee raising the grievance and any other member(s) of staff directly involved must also be provided with copies of all the documentation to be considered and they may attend the hearing and be accompanied and/or requested to attend. The BPS board panel, in seeking to resolve the grievance, may adjourn the hearing or defer their decision if this is considered appropriate to promote conciliation or to obtain further information or guidance. The decision of the BPS board panel will be confirmed in writing within five working days of the hearing taking place.

#### **STAGE 4 APPEAL**

Any party to the grievance may appeal in writing to the Directors within one week of receiving written notification of the decision. The notice of appeal should set out the reasons, with a copy to the Headmistress and any other member(s) of staff concerned. The appeal hearing will be conducted by the BPS Boards' nominated appeals panel. All documents already submitted together with any further documentation shall be available for consideration. At least one week's notice of the arrangements for the appeal hearing will be given to all parties concerned. The appeal panel's decision will be confirmed in writing within five working days.

This decision will be final.

#### **THE LAW**

**As legislation is often amended and new Regulations introduced, the references made in this Guide may be to legislation that has been superseded.**