



# Staff Professional Conduct Policy (under review)

<b>Policy title:</b>	Staff Professional Conduct Policy
<b>Function:</b>	For information and guidance about the expectations for staff professional conduct at The Blue Coat School. This document forms part of the portfolio of policies designed to inform staff
<b>Status:</b>	Approved
<b>Statutory guidance:</b>	School teachers pay and conditions (October 2018) Disciplinary procedures for the teaching profession (April 2018)
<b>Audience:</b>	Staff, Senior Leadership Team, Trustees
<b>Ownership:</b>	Board of Trustees, Headteacher
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<b>Reviewed by:</b>	Finance and Resource Committee
<b>Next review:</b>	Every two-years – December 2023

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## Aims and objectives

- 1 To ensure that standards of conduct are understood by all employees of The Blue Coat School and they are aware of the behaviour expected of them in adhering to these standards.
- 2 Support an environment that does not permit bullying, harassment or offensive behaviour.
- 3 To create an open and transparent environment where employees are encouraged to speak up and to provide a mechanism for issues or concerns to be raised and resolved at the earliest practicable stage.
- 4 To reinforce the commitment to listening to the views and concerns of employees.
- 5 To ensure good working relationships whilst complying with legislative requirements.
- 6 To provide fair, consistent and transparent methods of dealing with allegations and/or breaches of discipline and the standard of conduct expected and encourage improvement where conduct is found to be unsatisfactory.

## Roles and responsibilities

- 7 The Board of Trustees body will ensure this policy meets statutory requirements and is reviewed regularly.
- 8 The headteacher will ensure this policy is communicated to employees and consistently upheld.
- 9 Employees of the school will ensure they have read and understand all aspects of this policy.

## Procedures and practices

### Code of professional conduct

- 10 As a minimum, all employees of The Blue Coat School are expected to:
  - Attend work
  - Be ready and willing to work as specified in their job description
  - Display commitment to the school and conduct their work in a co-operative manner
  - Undertake their duties and responsibilities effectively, efficiently and diligently
  - Seek to develop and improve their knowledge, skills and abilities
  - Communicate with colleagues effectively
  - Be punctual in time keeping
  - Be honest and trustworthy
  - Manage information appropriately
  - Manage school funds responsibly and appropriately
  - Maintain confidentiality where required
  - Obey rules specific to their area of work
  - Follow reasonable management instructions
  - Take reasonable care of themselves, their colleagues and others while at work in order to fulfil their duties of care

- Take care of The Blue Coat School's property
  - Notify their line manager or the Headteacher of any known or suspected breaches of the law or school policies and co-operate with the investigation of such breaches
  - Disclose to the School as required of any civil or criminal charges or convictions either before or during their employment at the School
  - Notify the Headteacher or their line manager of any personal relationship in or outside of work which may result in their honesty/objectivity/integrity being challenged in their role at the School.
  - Notify the Headteacher or their manager of any change in your personal circumstances which could affect your ability to fulfil your contracted role with the School.
  - Ensure that their personal hygiene and personal appearance is appropriate for the workplace.
- 11 Employees must accept and work to support fundamental school policies including but not limited to Health and Safety, Equal Opportunities and Safeguarding.
- 12 Employees must show respect for all colleagues, students, parents and visitors they have contact with.
- 13 Employees are expected to conduct themselves, both on and off duty, in a manner that is compatible with the school's work to set the highest examples for students.
- 14 The above expectations should be inferred as The Blue Coat School's minimum expectations and should not be interpreted as exhaustive. Non-compliance or ignorance of these expectations will normally result in disciplinary action being considered.

## **Whistle-blowing**

- 15 Whistleblowing is the term used when an employee passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.

The Blue Coat School's whistle-blowing procedure acts as a framework to allow problems or concerns to be raised confidentially so that thorough and appropriate investigation can take place.

- 16 The School is committed to tackling fraud and other forms of malpractice. Employees are asked to realise the distinction between suspected malpractice and other matters of complaint or grievance.
- 17 Sometimes an employee believes they are blowing the whistle when, in fact, their complaint is a personal grievance. Employees who make a disclosure under the school's whistleblowing policy should believe they are acting in public interest. This means that personal grievances and complaints are not usually covered by whistleblowing law.
- 18 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). To be covered by whistleblowing law, an employee who makes a disclosure must reasonably believe the following two things before raising their concern:

- The first is that they are acting in the public interest.
- The second is that they must reasonably believe is that the disclosure tends to show past,

present or likely future wrongdoing falling into one or more of the following categories:

- Criminal offences (may include, for example, financial impropriety such as fraud).
- Failure to comply with an obligation set out in law
- Miscarriages of justice
- Endangering of someone's health and safety
- Damage to the environment
- Covering up wrongdoing in the above categories

19 Employees should be guided by the following points if they have any concerns about a colleague's practices:

- Convey their suspicions to your Supervisor/Manager/Head of Department.
- It may be appropriate to go directly to the Headteacher, Director of Resources or Deputy Headteacher. This may be if an employee suspects the involvement of your Supervisor/Manager or a Deputy Headteacher.
- In the case of a Child Protection issue the matter should be raised initially with the Designated Child Protection Officer or a member of the Child Protection Team.
- Allegations against the Headteacher or a Trustee (excluding the Chair) should be referred to the Chair of Trustees.
- Issues relating to the Chair of Trustees should in the first instance be referred to the Vice Chair of Trustees and, if appropriate or relevant, the Headteacher.
- In the event of the allegations or concerns relating to the Chair of Trustees, The Vice Chair of Trustees and the Head Teacher, then the matters should be referred as at 20 below.
- Concerns should be raised immediately and may be raised verbally or in writing.
- Employees should retain and share any evidence of a concern.

20 In the event of whistle-blowing, the school will:

- Treat the information with confidentiality and sensitivity
- Refer the concern to the most appropriate member of the Senior Leadership Team or Board of trustees to deal with the matter.
- Refer matters to external agencies where appropriate.
- Acknowledge the concern in writing within ten days and provide information on staff support mechanisms to any employees who raise a concern.
- The School will take steps to minimise difficulties which employees may experience as a result of raising a concern.
- Subject to legal constraints, the School will inform the employee who raised a concern of the outcome of any investigations.

21 Employees have the right to take the matter outside of the School if they are not satisfied with actions taken. This may include contact with trade unions or professional bodies, local Citizens' Advice Bureau, the Member of Parliament for the school area, or the Police.

22 In taking matters outside of the School, employees should only share information with relevant professional bodies to ensure confidentiality. In such cases, employees should always preserve the evidence trail.

23 Malicious allegations, unfounded concerns or attempts to make mischief will also be taken seriously. Such cases may constitute a disciplinary offence appropriate to the circumstances.

24 Employees can contact the Advisory, Conciliation and Arbitration Service (ACAS) for guidance on whistleblowing and grievances. Information can be found at [www.acas.org.uk](http://www.acas.org.uk).

## Grievance

25 Where an employee has a grievance, they should wherever possible seek to resolve the matter by a direct approach to the other member of staff involved. Where a direct resolution is not possible, employees should be guided by the following stages of the grievance procedure.

26 At all stages, employees will be supported to resolve all grievances positively. This may include mediation led by school leaders or independent professionals.

27 Stage 1 (The informal stage)

- Where an employee feels aggrieved, they should record their grievance on the grievance record form (Annex A) and raise their grievance with their Line Manager. This will normally be the person with day-to-day management responsibility for the aggrieved person.
- If the aggrieved person does not wish to discuss the matter with their Line Manager they should be free to approach the SLT member who line manages their area or the Director of Resources with the aim of achieving an informal resolution. The Director of Resources or SLT member will inform the Headteacher who will appoint an appropriate senior leader to carry out a preliminary informal discussion.
- Following receipt of the grievance, the aggrieved party's line manager, a senior leader or a Trustee will be nominated to carry out a preliminary informal discussion.
- It is the responsibility of the manager hearing a grievance to do so in accordance with the principles set out in this Policy. This will include ensuring that every effort is made to resolve the matter informally at stage one.
- The manager will discuss the informal grievance with the aggrieved person and, following any necessary enquiries, respond orally to them within five working days. The manager will ensure completion of the relevant sections of the Grievance Record Form and ensure the Headteacher is kept informed.
- The aggrieved employee is entitled to be accompanied by a colleague or representative from their professional association during informal discussions.
- If the subject of the grievance refuses to participate in the seeking of a resolution, the aggrieved has the right to request that the procedure move to the first of the formal stages. In such instances all the relevant case papers should be forwarded immediately to the Headteacher who will appoint a manager to hear Stage Two.
- The aggrieved party and manager carrying out the preliminary informal discussion should ensure that the grievance record form is updated at the conclusion of stage 1.

28 Stage 2 (The formal stage):

- The grievance must be registered with the Headteacher within 3 months of the date on which it first arose or where a series of associated incidents have occurred, within 3 months of the last of these incidents.
- If the grievance is about the Headteacher or any Trustee/s, the grievance must be registered with the Chair of Trustees.
- A senior suitably competent senior leader or trustee as appropriate will be appointed to investigate the matters associated with the grievance
- Where the school is unable to identify a suitably competent senior leader or Trustee to investigate the grievance at stage 2, it may nominate a suitably qualified independent investigator with relevant experience to act as stage 2 manager
- Where a grievance has been considered informally at stage 1, the nominated stage 2 manager must ensure that appropriate parts of the Grievance Record Form have been completed by the stage 1 manager. The Grievance Record Form will contain details of :

- the issues triggering the grievance
- the aggrieved party's preferred resolution of the grievance
- confirmation that the informal stage has been completed.
- If the grievance has not been considered informally at stage 1, the nominated stage 2 manager will ensure that the grievance record form is used to record the reasons why as part of stage 2.
- The stage 2 manager will arrange meetings with all parties to be held within 10 working days of receipt of the Grievance Record Form. The purposes of these meetings are to:
  - allow the contents of the grievance to be fully investigated and aired in an open manner with a view to bringing about a satisfactory resolution
  - agree outcomes
  - identify and propose any further actions required.
- The stage 2 manager will consider any written submission made by or on behalf of the aggrieved person. They will listen to the aggrieved person and make appropriate balanced enquiries of other persons. Where appropriate they will consult with other written records, consider other appropriate forms of evidence and seek any appropriate advice from recognised experts.
- Upon completion of the grievance the stage 2 manager will complete the grievance record form and share the outcome of the grievance with the Headteacher or Chair of Trustees (If the grievance is about the headteacher or other trustees).
- The Headteacher or Chair of Trustees will:
  - Review the outcome of the stage 2 investigation
  - Speak with the nominated stage 2 manager if necessary
  - Review the quality of the stage 2 investigation
  - Recommend further investigation if necessary
  - Reach a final decision about the conclusions of the grievance
  - Identify any follow actions as a result of the findings of the grievance
  - Draft appropriate correspondence to all interested parties (within 5 working days) to communicate the findings and conclusions of the grievance in line with the schools information policy and recognised data protection norms.
- The Headteacher or Chair of Trustees (If the grievance is about the Headteacher or other Trustees) should ensure that the grievance record form and all supporting evidence is fully completed and filed.
- Where the matter has not been fully resolved at stage 2, the Headteacher or Chair of Trustees must ensure that the Grievance Record Form includes details of any unresolved issues that the aggrieved person may wish to be dealt with at stage 3.

## 29 Stage 3 (The appeal stage):

- The aggrieved party must give clear reasons for their grounds to appeal under stage 3 of the grievance process.
- Stage 3 will be conducted by a suitably competent Trustee who has had no prior involvement with or exposure to the grievance at previous stages
- Where the school is unable to identify a suitably competent trustee to investigate the grievance at stage 3, it may nominate a suitably qualified independent investigator with relevant experience to act as stage 3 manager
- The appeal manager should be notified of the grievance within 5 working days of the Grievance Record Form confirming that the aggrieved wishes to proceed to the appeal stage.
- The appeal manager should then ensure that the following actions are undertaken within 15 working days:

- Understand the grievance from the aggrieved party's perspective and consider the evidence submitted by them
- Review, clarify and examine other sources of evidence if necessary
- Interview the investigating stage 1 and stage 2 managers to establish a clear picture of how the grievance was investigated
- Interview the Headteacher or Chair of Trustees as appropriate to establish a clear understanding of how they formally concluded stage 2 of the grievance process
- Establish whether the grievance process has been conducted appropriately in line with the processes outlined in this policy.
- Establish whether the grievance has been undertaken to the required high standard and that decisions have been made on an informed basis and with due regard to all relevant factors.
- Establish whether the conduct of the nominated stage 1 and stage 2 managers has been appropriate
- Take account of all of the above to reach a final conclusion about the whether the outcome of stage two of the grievance should be upheld or not.
- Copies of any relevant documents should be submitted to all relevant parties not less than 5 days before the hearing.
- Professional adviser/s may attend the hearing to provide professional advice as required by any party leading or involved in the grievance.
- Upon completion, the appointed stage 3 manager will ensure that:
  - The grievance record form has been completed in the light of the stage 3 findings
  - The Headteacher and Chair of Trustees are fully informed of the outcome and findings of stage 3 and any necessary actions required
  - The findings and outcome of stage 3 is communicated to all parties within 5 working days in line with the school's information policy and recognised standard and established data protection norms.
- In writing to the aggrieved party, the nominated stage 3 trustee must ensure that:
  - they request that the aggrieved party declares whether or not they are satisfied that the matter has been resolved
  - the aggrieved party understands that the school's processes have fully been exhausted.
  - the aggrieved party understands that the decision of the nominated stage 3 manager is final and is binding on the Board of trustees and all parties.
  - the aggrieved party is appropriately signposted about their right to pursue matters relating to breach of contract or discrimination through the Employment Tribunal.

### 30 Grievances involving the Headteacher:

- With the exception of the following points, grievances involving the Headteacher will be handled as set out above.
- If the grievance relates to the Headteacher, then the member of staff should first of all seek to resolve the matter by a direct approach to the Headteacher as set out in stage 1 of the procedure. If a satisfactory resolution cannot be reached, then the aggrieved party should approach the Chair of Trustees to make arrangements for a nominated trustee to undertake stage 2 of the grievance process. If the aggrieved party is still dis-satisfied, then the Chair of Trustees will nominate a trustee to undertake stage 3 of the grievance process.
- Where the Headteacher has a grievance, he or she must firstly endeavour to resolve the matter informally at stage 1 by approaching the Chair of Trustees.
- If the Headteacher remains dis-satisfied they should put their concerns in writing on the



Grievance Record Form to the Chair of Trustees as set out in stage 2 of the procedure above. If the Headteacher still remains unsatisfied after stage 2 of this process they should pursue the grievance through stage 3 of the grievance procedure above.

## The disciplinary procedure

- 31 Misconduct will be assessed on a case by case basis taking into account the context and details of particular cases. Instances of misconduct may be defined as minor, serious or gross misconduct. This policy does not seek to specifically define minor or serious misconduct but as a guide, gross misconduct may involve, but is not limited to:
- Abuse or harassment of a service user
  - Fighting or serious physical violence at work
  - Fraud or serious theft
  - Malicious damage to the property of colleagues, service users, members of the public or the school
  - Serious personal harassment or bullying
  - Corrupt practice
  - Charges of a serious criminal offence
  - Concerns that the employee or others may be placed at risk by them remaining in the work place
- 32 Any unsatisfactory attendance, behaviour or conduct may be discussed informally with the member of staff. Appropriate guidance may be given and reasonable time allowed for improvement to take place. Line managers or senior leaders should complete a staff guidance statement to be retained by all parties.
- 33 If the circumstances indicate that formal disciplinary action needs to be considered, the headteacher shall arrange for the matter to be investigated. An investigation will be carried out to:
- So far as is possible, establish the facts of the matter.
  - Interview the employee, any other members of staff and witnesses involved in the matter.
  - Summarise the matter in the form of a report.
  - Make a recommendation/decision to the headteacher as to whether the case needs formal disciplinary action.

The investigating officer may make the following recommendations to the headteacher:

- The allegation may be deemed as unfounded and no further action taken.
- The employee may be issued with a management instruction.
- The employee may be required to attend a formal disciplinary hearing.

Where an investigation indicates any form of misconduct, it will be evaluated as above to decide if it is necessary to hold a formal disciplinary hearing. Hearings may be conducted by the headteacher or a panel of trustees depending on the seriousness.

In cases where demotion or dismissal are possibilities the hearing must be conducted a panel of trustees.

- 34 The Board of trustees and the Headteacher both have the power to suspend any person

employed by the Blue Coat School. Where such action is taken the alleged offence should amount to gross misconduct. Suspensions:

- should not infer any prejudgement.
- approved by the Headteacher must be communicated to the Chair of Trustees.
- may only be ended with the approval of the Board of trustees.
- of the Headteacher will normally be undertaken by the School's Chair of Trustees, assisted by an appropriate professional adviser.
- should as far as practicable, be followed by a hearing within 4 weeks so that the suspension may be ended by reinstatement, dismissal or otherwise as determined by the Board of trustees.

35 If the employee is required to attend a formal disciplinary hearing they will be given at least five working days' notice in writing. The employee will be informed of their right to be accompanied/represented, if they so wish, by a trade union representative or work place colleague of their choice. The employee will be:

- Informed in writing of the full nature of the charge, complaint or adverse report affecting their conduct.
- Sent two copies of all papers.
- Informed of the names and status of all witnesses to be called to the hearing to give evidence.
- Informed that dismissal is a possible outcome if the matter is serious enough.
- Informed of their right to submit a written statement prior to the hearing.
- Informed to forward any papers that they wish to be circulated to the hearing.
- Asked to identify the names of additional witnesses they wish to give evidence at the meeting.
- Asked to acknowledge receipt of the letter, and confirm whether they will attend the hearing, accompanied or otherwise.

A formal disciplinary panel will normally comprise of three persons, unconnected with any prior involvement or knowledge of the issues.

36 Where any parties are unable to attend a hearing, the headteacher and trustees will be guided by the following:

- If the meeting cannot go ahead because the member of staff cannot attend, they may submit a written submission. The member of staff may still be represented by their professional organisation.
- If a member of staff is absent through sickness or other relevant reason, during the disciplinary process, the school may ask Occupational Health to ascertain if they are fit to attend hearings. If they are unable to attend an arranged meeting then they will be given the opportunity for the meeting to be re-arranged on one occasion only. Employees will be advised that written submissions will be acceptable or their trade union representative could attend on their behalf.
- Where a disciplinary hearing takes place without the employee being present the disciplinary code will still be applied in full to ensure that any decision reached is fair and reasonable.
- If the member of staff's representative or colleague is unable to attend on the date proposed the employee will offer an alternative time and date which will normally be within five working days of the originally proposed meeting. This may be extended by mutual agreement only.
- In agreeing a new date, due regard will be given to the availability of all relevant parties involved in the hearing.

- 37 Hearings may result in oral or written warnings. The headteacher and trustees shall be guided by the following:
- for minor misdemeanours an oral warning may be issued which will remain live for 6 months
  - for more serious offences or if there is no improvement following an oral warning, a written warning may be issued which will remain live for 9 months
  - if serious misconduct occurs or there is no improvement following a written warning, a final written warning may be issued which will remain live for 12 months
  - in exceptional circumstances the term of a formal disciplinary warning, particularly a final written warning, may be up to twice the period stated
  - consideration may be given, in the case of teachers, to withhold an increment as provided for in the School Teachers' Pay & Conditions
  - allegations of sustained misconduct or any incidents of gross misconduct may result in demotion or dismissal if substantiated
- 38 While hearings may be undertaken by the headteacher or a panel of trustees they will always be guided the following procedure:
- The school will make an opening statement outlining the case.
  - The employee (or their representative) will have an opportunity to ask questions about the school's opening statement.
  - The disciplinary panel will have the opportunity to ask questions about the school's opening statement.
  - The school will ask questions of any witnesses they have.
  - The employee will have an opportunity to ask questions of any witnesses the school has brought.
  - The disciplinary panel will have an opportunity to ask questions of any witnesses.
  - The school will have an opportunity to re-examine their witnesses.
  - The employee will make an opening statement outlining their view of the case.
  - The school will have an opportunity to ask questions about the employee's opening statement.
  - The disciplinary panel will have the opportunity to ask questions about the employee's opening statement.
  - The employee will ask questions of any witnesses they have.
  - The school will have an opportunity to ask questions of any witnesses the employee has brought.
  - The disciplinary panel will have an opportunity to ask questions of any witnesses the employee has brought.
  - The employee will have an opportunity to re-examine their witnesses.
  - The school will sum up.
  - The employee will sum up.
  - The disciplinary hearing retires for deliberation if necessary.
  - A decision is given in writing ordinarily within 5 days.
- 39 Appeal against decisions made by the headteacher or board of trustees may be made by an employee. An employee may choose to appeal a decision on the basis that:
- They believe a finding or sanction is disproportionate
  - New evidence comes to light
  - They believe the disciplinary procedure was not followed or adhered to correctly

The employee shall write to the relevant body specifying their grounds for appeal, as outlined in the outcome letter they receive. This should be soon as possible but within 5 working days of the

member of staff receiving written details of any warning/sanction.

In such cases, the headteacher and trustees will ensure that:

- A Staff Dismissal Appeals Panel will be appointed by the Board of trustees and will normally comprise of at least three Trustees who have had no previous direct involvement in the particular case. They will then hear the appeal within 20 days of the notification of the appeal.
  - The appeal hearing will follow a similar to the original hearing but focus on the specific grounds of the appeal. The employee shall present the case for appeal first.
  - The decision reached by the Staff Dismissal Appeals panel will be final.
- 40 Records of disciplinary action will be retained. The headteacher and trustees will be guided by the following:
- They will set out the nature of any unsatisfactory conduct, the actions taken and supporting reasons, details of any appeals and any relevant correspondence.
  - Breaches of disciplinary rules shall be disregarded for disciplinary purposes after the appropriate period of satisfactory conduct and performance specified in the formal written notification issued. This will not apply in cases of dismissal, demotion, the withholding of increments, misconduct relating to a child, or in circumstances specified by the Board of trustees.
  - The school will uphold its statutory duty to report cases to relevant organisations where appropriate.

## Monitoring, review and evaluation

- 41 The board of trustees will ensure that the procedures and practices of this policy are monitored, reviewed and evaluated.
- 42 The headteacher will ensure that the board of trustees is availed of the necessary information to rigorously evaluate the effectiveness of responses to standards of professional conduct, grievance and disciplinary matters.
- 43 The school will regularly review the context of employees involved in grievance and disciplinary matters to ensure arrangements do not unfairly disadvantage an employee of any characteristic.

# Annex A: Grievance record form

**Part A:** To be completed by the employee at the beginning of stage one (The informal stage) and throughout.

Please use this space to detail what has triggered your grievance and attach any supporting documents.

Please use this space to outline what actions you wish to see to suitably resolve your grievance?

Please use this space to summarise whether you consider the matter resolved at stage 1 and why:

Do you wish to progress to stage 2?

Yes/No

Please use this space to summarise whether you consider the matter resolved at stage 2 and why:

Do you wish to progress to stage 3?

Yes/No

Please detail any unresolved issues you wish to be heard at stage 3 or the reasons why you do not wish to progress to stage 3.

Do you feel that stage 3 has resolved the matter?

Yes/No

I understand that I have now exhausted the grievance process.

Name:

Role:

Signature:

Date:

**Part B:** To be completed by the nominated manager/s throughout stages 1,2 and 3 as appropriate.

Please detail what action was taken to resolve the grievance at stage 1 (the informal stage) and/or attach any notes of meetings.

Name:

Role:

Signature:

Date:

Please detail what action was taken to resolve the grievance at stage 2 (the formal stage) and/or attach any notes of meetings.

Name:

Role:

Signature:

Date:

Please detail what action was taken to resolve the grievance at stage 3 (the appeal stage) and/or attach any notes of meetings.

Name:

Role:

Signature:

Date:

## Annex B: Staff guidance statement

To be used to record and review agreed actions in less serious cases of misconduct before any formal procedures are invoked.

To be completed by line manager or senior leader	
Employee name:	
Interviewed by:	
Date of interview:	
Nature of concern:	
Agreed outcomes and associated timeframes:	
Employee signature:	Line manager /SLT signature:
Agreed date of review:	
Notes from review meeting:	
Employee signature:	Line manager /SLT signature:
Summary of resolution or next steps:	