

# Policy

<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>Notes:</b>	This policy takes account of and replaces previous policies about Professional Conduct, Grievance and Discipline
<b>Status:</b>	Approved
<b>Statutory guidance:</b>	School teachers pay and conditions (August 2017) Disciplinary procedures for the teaching profession (April 2018)
<b>Audience:</b>	Staff, Senior Leadership Team, Governors
<b>Ownership:</b>	Governing Body, Headteacher
<b>Last reviewed:</b>	May 2018
<b>Reviewed by:</b>	Governing body
<b>Next review:</b>	Every two-years – May 2020

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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 To provide fair and consistent methods of dealing with alleged breaches of the standard of conduct expected.
- 3 To provide a mechanism for all employees to raise issues of concern and to resolve matters at the earliest practicable stage.
- 4 To ensure good working relationships whilst complying with legislative requirements.
- 5 To provide fair and transparent methods of dealing with breaches of discipline.
- 6 To encourage improvement where conduct is found to be unsatisfactory.

## **Roles and responsibilities**

- 7 The governing 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 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 Employees should be guided by the following considerations before considering raising concerns:
- Is it, or do you believe it to be, illegal?
  - Is it, or do you believe it to be, against codes of practice issued by the School, the Local Authority, the Department for Education, or a professional body?
  - Does it contradict what the employee has been taught, or should have been taught?
  - Is it about an individual's behaviour or is it about general working practices?
  - Has the whistle-blower witnessed the incident?
- 18 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 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 Governor (excluding the Chair) should be referred to the Chair of Governors).
- Issues relating to the Chair of Governors should in the first instance be referred to the Vice Chair of Governors and the Headteacher.
- Concerns should be raised immediately and may be raised verbally or in writing.
- Employees should retain and share any evidence of a concern.

19 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 Governing Body 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.

20 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 or the Police. In taking matters taken outside of the School, employees should only share information with those organisations that must be informed.

21 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.

## Grievance

22 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.

23 Stage one (The informal stage)

- Where an employee feels aggrieved, they should raise their grievance with their Line Manager who will arrange for a preliminary informal discussion. 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 Director of Resources with the aim of achieving an informal resolution. The Director of Resources will inform the Headteacher who will appoint an appropriate manager to carry out a preliminary informal discussion.
- It is the responsibility of the Line 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 Line Manager will discuss the informal grievance with the aggrieved person and, following any necessary enquiries, respond orally to them within five working days. The Line Manager will ensure completion of the relevant sections of the Grievance Registration Form and ensure the Headteacher is kept informed.

- The aggrieved employee may be accompanied by a friend, colleague or Trade Union representative.
- 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.

#### 24 Stage two (The formal stage):

- The complaint 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.
- The nominated Senior Manager at stage one must ensure that the appropriate parts of the Grievance Registration Form have been completed. The Grievance Registration Form will contain details of :
  - the issues triggering the grievance
  - the aggrieved preferred resolution of the grievance
  - confirmation that they completed the informal stage
- Where, as a result of a stage one meeting, the matter could not be resolved, consideration must be given to reviewing what took place at stage one and what prevented potential resolution.
- The stage two manager will arrange meetings with all parties to be held within 10 working days of receipt of the Grievance Registration Form. The purposes of these meetings are to:
  - allow the contents of the grievance to be fully aired in an open manner with a view to bringing about a satisfactory resolution
  - agree outcomes
  - identify any further actions required
  - In attempting to resolve the grievance the stage two manager will explain the reason for the proposed resolution to all concerned and will seek to build acceptance and commitment to that resolution, particularly from the aggrieved person.
- The stage two 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 enquiries of other persons. Where appropriate they will consult written records, and seek appropriate advice.
- Upon completion of the Grievance stage two manager will confirm in writing to the appropriate parties within 5 working days :
  - the outcomes of the stage two meeting(s)
  - the proposed resolution(s).
- The stage two manager will forward all completed documentation to the Headteacher.
- If necessary, the Grievance Registration Form should include details of any unresolved issues that the aggrieved person wishes to be dealt with at the appeal stage.

#### 25 Stage three (The appeal stage):

- The Appeal Stage will be conducted by the Headteacher or if the Headteacher has previously been involved, an appointed Governor. They should be notified of the grievance within 5 working days of the Grievance Registration Form confirming that the aggrieved wishes to proceed to the appeal stage.

- A meeting should then be arranged within 15 working days unless extended by mutual agreement. Copies of any relevant documents should be submitted to relevant parties not less than 5 days before the hearing. A professional adviser may attend the hearing to provide professional and legal advice as required by both parties.
- During a meeting with the aggrieved person the appointed appeal stage manager should consider whether or not there have been any procedural breaches. This should also include an assessment as to whether or not the case was handled correctly and honestly within this framework. They should ensure that decisions have been made on an informed basis and with due regard to all relevant factors.
- Should any process errors be identified, the appointed appeal stage manager should attempt to rectify them. This may include instigation of Disciplinary Proceedings where appropriate.
- As with stages one and two, the individual has the right to be accompanied at the appeal meeting.
- Upon completion, the appointed appeal stage manager will confirm in writing to the appropriate parties the outcome including any resolution within 5 working days.
- They must also obtain written confirmation on the Grievance Registration Form that:
  - the aggrieved is either satisfied or not satisfied that the matter has been resolved
  - that the process has been exhausted.
- The decision of the appointed appeal stage manager is final and is binding on the Governing Body and all parties. The complainant retains the right to pursue matters relating to breach of contract or discrimination through the Employment Tribunal.

## 26 Grievances involving the Headteacher:

- 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 one of the procedure. If this fails, then stage two of the procedure should be followed and the aggrieved should approach the Director of resources who will liaise with the Chair of Governors to make arrangements for the Grievance Committee to be appointed to receive the grievance. If stage three of the procedure is necessary the Grievance Appeals Committee will carry out the appeal stage as above following written receipt of the matter.
- Where the Headteacher has a grievance, he or she must firstly endeavour to resolve the matter informally by approaching the Chair of Governors. If the Headteacher remains unsatisfied they should put their complaint in writing on the Grievance Registration Form to the Vice Chair of Governors as set out in stage two of the procedure above. If the Headteacher still remains unsatisfied after this process they should pursue the grievance through the Grievance Committee as set out in stage three of the procedure above.

## The disciplinary procedure

27 Unsatisfactory attendance, behaviour or conduct may be deemed as misconduct. 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

28 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.

29 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 governors depending on the seriousness. In cases where demotion or dismissal are possibilities the hearing must be conducted a panel of governors.

30 The Governing Body 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 Governors.
- of the Headteacher will normally be undertaken by the School's Chair of Governors, assisted by an appropriate professional adviser.
- may only be ended by the Governing Body.
- 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 Governing Body.

31 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.

32 Where any parties are unable to attend a hearing, the headteacher and governors 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 absent 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.

33 Hearings may result in oral or written warnings. The headteacher and governors 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

34 While hearings may be undertaken by the headteacher or a panel of governors they will always be guided the following procedure:

- The school will make an opening statement outlining the case.

- The employee 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 within 5 days.

35 Appeal against decisions made by the headteacher or governing body 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 governors will ensure that:

- A Staff Dismissal Appeals Panel will be appointed by the Governing Body and will comprise of at least three Governors 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.

36 Records of disciplinary action will be retained. The headteacher and governors 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 Governing Body.

- The school will uphold its statutory duty to report cases to relevant organisations where appropriate.

## **Monitoring, review and evaluation**

- 37 The governing body will ensure that the procedures and practices of this policy are monitored, reviewed and evaluated.
- 38 The headteacher will ensure that the governing body is availed of the necessary information to rigorously evaluate the effectiveness of responses to standards of professional conduct, grievance and disciplinary matters.
- 39 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 registration form

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

Please detail what has triggered your grievance and attach any supporting documents.

What actions would you see as acceptable to resolve your grievance?

Summary of the informal stage of the grievance and whether you consider the matter resolved:

Please summarise the formal stage of the grievance:

Do you feel that the formal stage of the grievance has now resolved the matter?

Yes/No

Do you wish to progress to the appeal stage?

Yes/No

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

Do you feel that the appeal stage 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 Grievance Manager/Headteacher/Governor as appropriate at the beginning of stage one (the informal stage) and throughout.

Please detail what action was taken to resolve the grievance at 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 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 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:	