



## New Forest Small School

### STAFF POLICY

Member of Staff Responsible	Headteacher
Regularity of Review	2 yearly

#### **Induction**

Once a position has been agreed and appropriate checks carried out, induction e-mail is sent to new staff, which informs them of the whereabouts of all policies and includes the following information:

- Health & Safety Information
- Child Protection & Safeguarding Policy
- Code of Conduct
- Mobile phone, ICT Policy

Staff must acknowledge that they are familiar with all school policies.

#### **Training & Development**

Any DFE updates or new requirements will be e-mailed to all staff with a timescale for completion. Staff must email confirmation of understanding.

Staff are given opportunities for career development. Staff may request to undertake training in areas identified as a need either through staff own self-evaluation, or if identified by the Head Teachers as an area development. The cost of this training will be covered by the school if relevant to school life.

#### **Staff Monitoring**

Staff development observation sheets will be given annually to all staff to identify their areas of strengths and weaknesses.

Staff will be observed teaching on an informal and frequent basis and will be observed on a formal basis at least once a year. The Head Teacher will write appraisals about staff on a regular basis. Feedback will be given and recorded and any training needs identified.

Staff will be encouraged to peer-observe each other as a good practice way of developing people's skills.

## **Staff Absence**

Staff are requested to let the Head Teacher know by phone, the night before an absence, if they think that they are unlikely to be well enough to work the next day. Staff should tell the Head Teacher by 7.30am on the day of absence.

Full-time members of staff will be paid as usual until Statutory Sick Pay begins. See Francis Moores for more details. The Head Teacher will give paid leave for sick children of staff on a discretionary basis.

## **Staff Sabbaticals**

Staff should discuss any plans for sabbaticals with the Head Teacher/s and they will be dealt with on a discretionary basis.

## **Disciplinary Procedure**

Informal discussions will be used in the first instance, and counselling will be offered where appropriate, to resolve problems. The formal disciplinary procedure will be used only if these options are unsuccessful. The procedure set out below is not contractual and the School reserves the right to change it if necessary or appropriate on giving reasonable notice of the change(s).

In dealing with disciplinary issues, NFSS will not discriminate against any person on the grounds of any characteristic that is protected under the Equality Act 2010 (age, sex, sexual orientation, gender reassignment, disability, race/ethnicity, religion or belief or the lack of it, pregnancy or maternity, or whether or not the individual is married or in a civil partnership).

No disciplinary action will be taken without full investigation.

At every stage in the procedure the employee will be advised of the nature of the complaint against them and will be given the opportunity to state their case, before any decision is made.

At all stages of the procedure the employee will have the statutory right to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as competent to accompany a worker.

No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

An employee will have the right to appeal against any discipline imposed.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

The minimum three-step statutory procedures will be followed if an employee faces dismissal or certain kinds of action short of dismissal.

The Headteachers will follow ACAS advice in dealing with any disciplinary case in order to ensure that each case is dealt fairly and consistently and in accordance with the up to date legislation. The ACAS handbooks (available at <http://www.acas.org.uk>) provide a useful background to dealing with disciplinary matters, and will be used in conjunction with the NFSS disciplinary procedures.

The Headteachers will ensure that dated written records are kept of any disciplinary issues and the actions taken in each case, including informal discussions and counselling.

### ***The Procedure***

If an employee faces dismissal – or certain action short of dismissal, such as loss of pay or demotion – the minimum statutory procedure will be followed. This involves:

- a full investigation of the facts of the case
- step one: a written note to the employee setting out the allegation and the basis for it, requesting them to attend a meeting, and reminding them of their right to be accompanied
- step two: a meeting with the Governance Advisory Board to consider and discuss the allegation
- step three: a right of appeal including an appeal meeting.

### ***Investigation***

The Headteachers will carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

If it is decided that there is a disciplinary case to answer, the employee should be notified of this in writing. This notification should contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. Copies of any written evidence, which may include any witness statements, will be provided with the notification.

The notification should also give details of the time and venue for the disciplinary meeting with the Governance Advisory Board and advise the employee of their right to be accompanied at the meeting. The meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

### ***Disciplinary meeting***

At the meeting, the Headteacher should explain the complaint against the employee and go through the evidence that has been gathered. The employee should be allowed to set out their case and answer any allegations that have been made. The employee should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They should also be given an opportunity to

raise points about any information provided by witnesses. Where an employer or employee intends to call witnesses they should give advance notice that they intend to do this.

The employee's chosen companion (who may be a trade union representative or a fellow worker) should be allowed to address the hearing to put and sum up the worker's case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does *not* have the right to answer questions on the worker's behalf, address the hearing if the worker does not wish it, or prevent the employer from explaining their case.

After the meeting, the Governance Advisory Board will decide whether or not disciplinary or any other action is justified and inform the employee accordingly in writing.

#### *Stage 1 (a) Improvement note: unsatisfactory performance*

If performance does not meet acceptable standards, the employee will normally be given an improvement note. This will set out the performance problem, the improvement that is required, the timescale and any help that may be given. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 6 months, but will then be considered spent – subject to achievement and sustainment of satisfactory performance.

#### *Stage 1 (b) First warning: misconduct*

If the conduct does not meet acceptable standards the employee will normally be given a written warning. This will set out the nature of the misconduct and the change in behaviour required. The warning should also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning should be kept, but it should be disregarded for disciplinary purposes after a specified period (e.g., six months).

#### *Stage 2: final written warning*

If the offence is sufficiently serious, or there is a failure to improve during the currency of a prior warning for the same type of offence, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action under Stage 3 (dismissal or some other action short of dismissal), and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 6 months subject to achievement and sustainment of satisfactory conduct or performance.

#### *Stage 3 – dismissal or other sanction*

If there is still a failure to improve the final step in the procedure may be dismissal or some other action short of dismissal such as demotion or disciplinary suspension or transfer (as allowed in the contract of employment). Dismissal decisions can only be taken by the appropriate senior manager, and the employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which the

employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 6 months subject to achievement and sustainment of satisfactory conduct or performance.

### *Gross misconduct*

The following list provides examples of offences that are normally regarded as gross misconduct (the list is not exhaustive):

- theft, fraud, deliberate falsification of records
- professional misconduct
- fighting, assault on another person
- deliberate damage to the school's reputation or property
- serious incapability through alcohol or being under the influence of illegal drugs
- serious negligence which causes unacceptable loss, damage or injury
- breach of confidentiality
- gross misuse of school time and property

If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

### *Appeals*

Where an employee feels that disciplinary action taken against them is wrong or unjust, they should appeal against the decision. An employee who wishes to appeal against a disciplinary decision must do so within five working days. Employees should let employers know the grounds for their appeal in writing.

Appeals should be heard without unreasonable delay and at an agreed time and place.

Appeals should be dealt with impartially and at the appeal, any disciplinary penalty imposed will be reviewed.

## **Grievance Procedure**

### *Dealing with grievances informally*

If an employee has a grievance or complaint to do with their work or colleagues they should, wherever possible, start by talking it over with their line manager. It may be possible to agree a solution informally.

### *Formal grievance*

If the matter is serious and the employee wishes to raise the matter formally, they should set out their grievance(s) in writing to their line manager. If the grievance is against the line manager and the employee feels unable to approach them, they should talk to the Headteacher or write a letter to the Governance Advisory Board.

### *Grievance hearing*

The employee's line manager will invite them to a meeting, normally within 5 days, to discuss the grievance(s). The employee has the right to be accompanied by a work colleague of their choice or trade union representative at this meeting if they make a reasonable request.

After the meeting the line manager will issue a decision in writing, normally within 24 hours.

### *Appeal*

If the employee is unhappy with their line manager's decision and wishes to appeal, they should let their line manager know in writing. An appeal meeting will be held, normally within 5 days, and the appeal will be heard by a more senior manager. The employee has the right to be accompanied by a work colleague of their choice or trade union representative at this meeting if they make a reasonable request. After the meeting the manager who heard the appeal will issue a decision, normally within 24 hours. The appeal decision is final.