

SCHOOL DISCIPLINARY POLICIES NASUWT CHECKLIST

PURPOSE OF THE CHECKLIST

The NASUWT believes that a fair, transparent and consistent disciplinary policy, which treats teachers as highly skilled professionals, is a key element in effective school management. A disciplinary policy is an essential policy in a school's suite of policies.

School disciplinary policies which accord with the provisions in this checklist will help to resolve the concerns, problems or complaints raised and minimise the risk of discrimination.

A disciplinary policy is necessary to assist in maintaining standards of conduct and for promoting fairness and order in the treatment of employees. It should be used to promote orderly employment relations as well as fairness and consistency in the treatment of all employees. It should promote appropriate professional conduct. It should set out the disciplinary procedure that will be followed by the employer and the Governing Body in the maintenance of acceptable standards of conduct and behaviour of employees.

The checklist below sets out the minimum requirements for an effective disciplinary policy and is entirely consistent with the ACAS Code of Practice.

The NASUWT model school disciplinary policy incorporates all of the provisions of this checklist and is consistent and compliant with all statutory requirements.

KEY ELEMENTS OF A DISCIPLINARY POLICY

- The purpose, scope and to whom the policy applies must be clearly stated.
- There should be an equality statement in the policy which insists that all stages in the policy will operate in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010.
- The roles/responsibilities in the policy should be clearly stated.
- There should be a section in the policy on confidentiality, ensuring all investigations, papers and any subsequent disciplinary/appeal/outcomes will be dealt with in the strictest confidence.
- The types of complaint should be clear within the policy (i.e. gross misconduct, misconduct, criminal offences outside the employment, child protection). The policy should contain examples of gross misconduct/misconduct. Gross misconduct is described as misconduct serious enough to destroy the employment contract between the member of staff and the school which would make a further working relationship and trust impossible. Misconduct is less serious than gross misconduct but could lead to dismissal if repeated.

- Child Protection issues must be dealt with through a separate process which should be briefly outlined in the policy. In such cases, the policy should be clear that disciplinary action will only be taken once the school's Safeguarding policy procedures have been completed.
- The composition of the Hearing Panel and the Appeals Panel should be clearly stated in the policy. There should always be a note-taker identified. Powers available to the panels should be clearly stated in the policy, including: suspension of the teacher; reinstatement of the teacher; imposition of the sanctions and associated timescales details of the improvement in conduct which is expected, along with any advice to the member of staff as to how this may be achieved; the likely consequence of further misconduct; dismissal; and the right of appeal, which should be made in writing to the appropriate body within seven working days of receiving the written decision.
- The policy should confirm that the act of suspension, should it occur, is a neutral act. The policy should confirm that notice of suspension will be given in writing and the period should be as brief as possible and reviewed with a date for reinstatement.
- Potential disciplinary sanctions should be clearly stated in the policy, including: no disciplinary action to be taken, oral warning, first written warning, final written warning, demotion/transfer and dismissal. The policy should confirm that outcomes will be communicated in writing.

Policy Content

The policy should confirm that:

- The nature of the complaint will be outlined to the employee in writing.
- If the complaint is about a trade union representative, the policy must be followed but the matter must first be discussed with an official employed by the relevant union after obtaining the employee's agreement.
- If the complaint is minor, it should be informally dealt with in an informal discussion. Where a member of staff commits a minor infringement, the line manager or headteacher can give advice for the purpose of improving the future conduct of the member of staff. In these circumstances, the member of staff will be given any reasonable support and assistance to effect an improvement.
- Minor complaints dealt with informally as above will be expunged from record if not proven.
- Investigations will be carried out by a person with no involvement in the case. There should be timescales laid down for this process. Normally such investigations should be completed within 15 working days other than for particularly complex cases. The policy should confirm the process for having an investigation. At the conclusion of the investigation it should be identified whether there is justification to take the case to a disciplinary hearing or not. All decisions at each stage should be confirmed in writing.
- The employee will be provided with all the related documentation to the complaint and the investigation at least ten working days before the hearing. The arrangements for the conduct of a disciplinary hearing should be communicated at that time. The hearing should take place as soon as possible (often set for seven working days after the investigation) at a mutually agreed date, but usually within four working weeks.
- The conduct of the hearing should be outlined in the policy. There must be opportunity for the employee to present their case, call witnesses and finally summarise their case. A policy should have a flow chart/appendices outlining the process/template letters.

- Dismissal should only occur following further serious misconduct during the period of a final warning, or in the case of gross misconduct.
- The policy should set out the limitations regarding the application of warnings. Normally this will be: oral warning – three months; written warning – six months for first written warning, 12 for a final written warning.
- Live warnings should cease to be live after the specified period and be expunged from the employee's record and disregarded at any future disciplinary meeting.

Representation

The policy should confirm that:

- Employees must be allowed to be accompanied by a trade union representative at all formal stages of the policy.
- Employees will have the right to be accompanied at informal stages where appropriate.

Appeals

- Every employee has the right to appeal against the outcome of a disciplinary hearing. Clear timescales and procedures for the appeal hearing should be in the policy (ten working days after the original hearing). Wherever possible, the appeal panel will convey its decision verbally and then in writing, no later than five working days after the hearing.

Record-keeping

- The policy should state that written records will be completed quickly following any hearing. They should be dated/signed by the employer and the employee and provided to the employee and their representative within a timescale specified in the policy (normally within five working days). Records of investigations and hearings should be treated as confidential.
- Employees should be afforded the right under the policy to check their personal files at any time and to request removal of time-expired materials.

Monitoring and Review

The policy should confirm that:

- The policy will be monitored to ensure consistency of application and adherence to Equalities legislation.
- The disciplinary policy will be monitored and reviewed by the relevant body in conjunction with recognised trade unions at an agreed date/timescale.