



The Stables Independent School

Grievance, Capability and Disciplinary Procedures

This policy links directly to:

Document	Area
The Stables policies	Safeguarding Policy inc. Child Protection Whistleblowing Policy

This policy was reviewed and approved by the Proprietors in the Summer term 2023.

It will be reviewed annually and approved by the Proprietors.



GRIEVANCE

Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. They want the grievance to be addressed, and if possible, resolved. It is also clearly in management's interests to resolve problems before they can develop into major difficulties for all concerned. Employees should aim to settle most grievances informally with their line manager. To this end there are structures and systems in place to provide colleagues with a forum for discussion at the very earliest stage (open door policy to all senior leaders within the school, formal supervision) when issues may arise as a consequence of misunderstanding or misinformation, for example, and can be easily dealt with. If a grievance cannot be settled informally or a formal approach is preferable, the employee should raise it formally with management. Grievance procedures enable employees to raise grievances with management about their employment either by themselves or with a representative. It is our policy to help resolve grievances as quickly and as fairly as possible and at the lowest relevant level. The appropriate procedures to follow are set out in the Complaints Policy and Procedure which outlines both the informal and formal stages.

CAPABILITY

This policy applies to all staff who have successfully completed their probation period and establishes guidelines for senior leaders and staff in relation to the management of under-performance. The Stables Independent School (The Stables) has a responsibility for setting realistic and measurable standards of performance, for explaining these standards carefully to members of staff and for supporting staff to achieve the standards set. All new members of staff will have their job explained carefully to them at outset and through the induction and probationary process. They will be given copies of, or referred to, any written guidance that exists in relation to their area of work and will be given appropriate training and support to become familiar with it. Staff will also be made aware of the standards expected of them and where expectations change and evolve over time, senior leaders have a responsibility to inform staff of these changes. Employees have a contractual responsibility to perform to a satisfactory level. Where sub-standard performance is found to be due to negligence or lack of application on the part of the employee, then the Disciplinary Procedure will normally be appropriate. However, issues of an employee's capability may arise from time to time where sub-standard performance relates to a lack of the required knowledge, skills or ability rather than misconduct. In this case, the employee will, wherever practicable, be assisted through training or coaching and given reasonable time to achieve the required standard. Capability procedures have essentially the same structure (informal to formal; oral, written and final written) as disciplinary procedures but the School takes the view that the earlier stages of capability should be aimed at preventing the use of formal stages. An appropriate interview process, coupled with the rigorous Staff Support and Development Programme with its emphasis on growth and development of skills and



knowledge, through to professional development guided by regular meetings, should eliminate the need for capability procedures except for rare and highly exceptional circumstances.

DISCIPLINARY

The Stables' Employee Disciplinary Procedure recognises that discipline is essential for the conduct of the School's affairs both in connection with its obligations to the public, children in its care and for the safety and well-being of all its employees.

The purpose of the procedure is to provide for the orderly investigation and resolution of cases of alleged unsatisfactory conduct and other breaches of good discipline in a manner that ensures that the School's interests are safeguarded and that employees are treated fairly and equitably.

This procedure not only relates to matters of general conduct but also to matters related to safeguarding the welfare of children.

General Standards:-

Communication Standards

Any formal letters sent to employees under the terms of this procedure dealing with suspension, summoning to a disciplinary meeting and confirming decisions arising from meetings shall either be handed to the employee personally or shall be sent by Recorded Delivery.

Right to Representation

It is a basic principle that an employee to whom this procedure is being applied shall have the right to be accompanied by his/her nominated representative at each stage, and that a copy of the procedure shall be supplied to any employee to whom disciplinary action is being applied.

Minimum Statutory Procedure

This procedure is set out in accordance with the minimum Statutory procedure in respect of dismissals as introduced by the Employment Act 2002 (Dispute Resolution) Regulations 2004.

The Headteacher or Responsible Individual should decide, based on available information, whether a problem warrants the application of the formal disciplinary procedure. Further investigation may be needed before this decision can be made.

If it is considered necessary to remove the employee from the workplace whilst investigations take place, the employee may be suspended immediately.



If following detailed investigation the Headteacher decides that formal disciplinary action is not appropriate in the case and considers that informal action will be more constructive such steps will be taken, for example:

- an informal oral warning
- advice
- counselling
- training

Where this occurs, a letter confirming the discussion and arrangements will be sent to the employee.

Disciplinary Procedure: Suspension

If the Headteacher or Responsible Individual considers that an employee's conduct or alleged conduct may lead to the possibility of his/her dismissal, or if it is considered necessary to remove the employee from the workplace whilst investigations take place, the employee may be suspended immediately.

An employee who is to be suspended shall be interviewed, and given the opportunity to be represented at the interview, although this process should not delay any such suspension, and, if needs be, the individual should be advised by alternative means.

In all cases where suspension is to occur, the Headteacher or Responsible Individual will inform the employee concerned that he/she is to be suspended immediately. The suspension will be confirmed in writing as soon as possible (normally within **3 working days**), quoting:

- the nature of the alleged offence
- the purpose of the suspension
- its anticipated duration

Two copies of this letter shall be sent to the employee in order that, where appropriate, one may be passed to the employee's representative.

Suspension in these circumstances should not normally exceed **14 days**. Any suspension from work shall be on full pay.



Disciplinary Procedure: Arranging the Disciplinary Meeting

A disciplinary meeting shall be arranged as soon as practicable and the employee shall be given a minimum of **5 working days'** notice in writing of a formal disciplinary meeting with the Headteacher or Responsible Individual. However, in exceptional circumstances, a disciplinary meeting may be held at shorter notice, subject to the consent of the individual in question.

Consideration must be given to:

- the complexity of the case
- the weight of documentary evidence involved
- the reasonable time required by the employee and/or representative to consider the evidence and prepare their case.

The letter shall state:

- the date
- time
- place of the meeting
- the nature of the alleged offence
- the names of any witnesses who will attend (if practicable, or as soon as possible thereafter)

It shall also ask for the names of witnesses whom the employee will call.

All statements used as evidence will be copied as soon as practicable to the employee and his/her representative and prior to convening the meeting.

Failure to Attend the Disciplinary Meeting

If any employee (or representative) fails to attend a disciplinary meeting without providing an acceptable explanation, then the meeting may be conducted in the absence of the employee.

A meeting will not be convened during a period of annual leave that has been pre-booked prior to the investigation taking place. It will not be regarded as acceptable for the employee to take leave which has not been previously booked where this interferes with the setting of a meeting date, unless for serious reasons such as family bereavement, hospital consultants appointments etc

Conducting the Disciplinary Meeting

At the beginning of a disciplinary meeting the officer conducting it shall detail the allegation(s) being made and shall inform the employee of any witnesses it is intended should be called during the interview.

The employee shall be invited to answer the allegation(s) and to give explanations or make comments as appropriate. The employee (and/or



representative) shall be given the opportunity to question any witnesses that may be called and to call witnesses on his/her behalf.

After having heard and examined the evidence, the Headteacher or Responsible Individual shall decide whether a disciplinary offence has been committed. Where it has, the Headteacher or Responsible Individual shall determine the appropriate disciplinary action to be taken in the light of any other information available.

The officer conducting the meeting will normally orally inform the employee and his/her representative of the decision at the conclusion of the meeting. Exceptionally, this may be deferred.

Disciplinary Action (Sanctions) Available

The alternative courses of disciplinary action available, depending on the severity of the offence, are as follows: -

- first warning
- further warning
- final warning
- first and final warning
- dismissal with notice
- summary dismissal

A record of all warnings will be kept on file indefinitely but disregarded (not discarded) for disciplinary purposes after a specified period. Final written warnings may be disregarded for disciplinary purposes after a specified period which will be determined by the Headteacher or Responsible Individual. In any event this period will not be less than 12 months.

In cases where the officer conducting the meeting considers that the offence warrants termination of employment but wholly exceptional circumstances are considered to exist which justify some action short of this, then other courses of action may be considered. Such courses of action will normally be in addition to some form of warning and include: -

- demotion (permanent or temporary)
- suspension without pay (for a maximum of 14 days)
- reduction in pay
- withholding of an increment



These penalties may be used only as an alternative to dismissal, and not as an alternative to a warning.

Confirmation of Disciplinary Action

The decision arising from the meeting shall be confirmed in writing to the employee within **5 working days** and the employee's rights of appeal shall be set out in the letter. With the employee's agreement, a copy will be sent to his/her representative.

A copy of the letter will be retained on the employee's personnel file.

Appeals

If you wish to appeal against any disciplinary decision, you must appeal, in writing within 5 working days of the decision being communicated to you. The grounds of appeal must be set out clearly within the letter submitted by the employee. All appeals above and beyond the Headteacher will involve the Proprietors. Workers have a statutory right to be accompanied at appeal hearings should they wish. You will be informed in writing of the results of the appeal hearing as soon as possible. A successful appeal will result in all information being removed from a staff member's record.