

# Kenton College Preparatory School



## Disciplinary Procedures Policy

<b>Audience</b>	<b>Staff and Governors</b>
<b>Author</b>	<b>Headteacher admin@kenton.ac.ke</b>
<b>Last Review</b>	<b>November 2022</b>
<b>Next Review</b>	<b>November 2023</b>
<b>Related Policies</b>	<ul style="list-style-type: none"><li>• Anti-Bullying</li><li>• Safeguarding and Child Protection</li><li>• Wellbeing</li><li>• Staff Code of Conduct</li><li>• Equal Opportunities Policy</li></ul>

## **Aims**

This policy aims to:

- Help and encourage all employees to achieve and maintain expected standards of conduct.
- Set out the procedures for when an employee's conduct falls below the expected standard.
- Ensure that all employees are treated fairly and consistently when a disciplinary issue arises.

## **Legislation**

Kenton College abides by the employment laws of Kenya, notably the Employment Act (2012). We are also guided by IAPS, BSO, ISI and other teaching industry-related authorities to ascertain what expected standards of conduct are.

## **Definitions**

A disciplinary issue will arise when a staff member has not behaved to the standard expected of them.

Instances and behaviours classified as misconduct include the following (this is not an exhaustive list):

### **Misconduct:**

- Unauthorised absence or persistent lateness
- Using bad/inappropriate/distasteful language in earshot of pupils
- Failure to follow the policies, practices and requirements of the school
- Unsatisfactory standards of work (not related to capability)
- Inappropriate use of school facilities
- Failure to comply with reasonable instructions from members of the Senior Leadership Team

### **Gross misconduct:**

- Physical violence or assault towards any member of the school community
- Discrimination, harassment, victimisation or bullying of pupils, colleagues or visitors
- Theft or suspicion of theft
- Sexual offences or misconduct - including the use of school devices to access inappropriate material online

- Inappropriate relationships with pupils or any other actions that would be classed as a serious safeguarding issue
- Use of drugs and or alcohol during the school day or attempting to teach whilst under the influence.
- Serious breaches of confidentiality
- Deliberately acting in a way that will cause damage to the school's reputation
- Deliberately damaging or misusing school property

Move to Prohibition from Teaching:

- Serious departure from the expected professional conduct standards
- Misconduct seriously affecting the education and/or wellbeing of pupils, and particularly where there is a continuing risk
- Actions or behaviours that undermine fundamental British and/or Kenyan values
- Abuse of position of trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- Sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues

## **Disciplinary Procedures**

Minor disciplinary issues will be dealt with informally at first, and will be escalated only where:

- There has been no resolution
- The issue has become more serious
- There are repeated or multiple instances of misconduct
- There is suspected gross misconduct

When dealing with an issue informally, the employee's direct line manager will organise a brief meeting with the employee and set out the concerns. They will remind the employee of the expected standard of behaviour and consider what support is needed to help them improve. Minutes of this meeting will be taken, shared with the Headteacher and retained in the personnel file kept by the HR Manager in line with the GDPR policy.

If the issue cannot be dealt with informally, formal procedures will begin. The employee will be notified of this in a face-to-face meeting with the Headteacher or, if more appropriate, a member of the Senior Leadership Team designated by the Headteacher. This meeting will be held in person or over video conferencing if necessary. This will be followed up in writing with a timeline of actions, upon which the employee must sign to acknowledge the contents of the meeting.

## **Suspension**

In some circumstances it will be appropriate to immediately suspend a member of staff temporarily, for example, where there is suspected gross misconduct. This in itself does not amount to guilt or constitute disciplinary action.

Where this is necessary:

- The Headteacher must authorise the suspension. If the Headteacher is the subject of the disciplinary procedure, the governors must authorise the suspension
- The staff member will be informed of the suspension in a face-to-face meeting, held in person or over video conferencing if necessary, followed by a notification in writing within 2 working days
- The employee will be permitted to be accompanied to the meeting by either a colleague or trade union representative where applicable. It is highly recommended that the staff member invites any accompanying colleague to seek guidance from the Headteacher or HR Manager in advance of the meeting to ensure that

they are comfortable to attend the meeting with the staff member and has read the Disciplinary Procedure Policy in full and understands the contents.

- The staff member will be suspended on full pay

## **Investigation**

An independent investigating officer will be appointed.

Before a disciplinary hearing takes place, the investigating officer will gather the facts of the case and evidence. The investigating officer will, if necessary, hold investigatory meetings (in person or over video conferencing).

The employee will be informed of the outcome of the investigation in writing.

If the investigating officer determines that the matter should move forward to a formal disciplinary hearing a disciplinary officer will be appointed. This will be a person independent from the investigating officer.

## **Notification**

If it is decided that there is a disciplinary case to answer, the employee will receive a written notification 5 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include:

- Details of the alleged misconduct and its possible consequences
- Copies of any written evidence, including witness statements (with all GDPR regulations upheld)
- The time, date and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant)
- A statement that the employee has the right to be accompanied by a colleague or a trade union representative
- Notification that the employer intends to call witnesses (if relevant)

If the employee intends to call a witness, they should notify the employer when responding to the written notification of the hearing.

## **Disciplinary Hearing**

Before the hearing, the employee will receive a copy of all evidence that will be relied upon during the procedure and the names of the people on the Disciplinary panel. The Disciplinary panel will be appropriately balanced.

At the hearing, the Disciplinary Officer conducting the hearing will explain the case against the employee and go through the evidence that has been gathered. The Disciplinary Officer may choose to have the investigating officer present the case.

The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.

The employee has the right to be accompanied by a colleague or a trade union representative. Employees must make the request in advance of the meeting, to allow the school to prepare and to ensure the employer knows who the companion will be.

If an employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date.

The companion can address the hearing to put and sum up the employee's case and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

The meeting will be minuted by a member of the Disciplinary panel and a copy will be sent to the employee within a maximum of 5 working days for signing to confirm that they are an accurate reflection of the meeting. Upon receiving signed minutes from the employee, a decision about whether further disciplinary action is necessary will be taken will be sent in writing within 5 working days.

## **Taking Appropriate Action**

Actions taken may be:

- **A verbal or informal warning** where it is decided that the action was not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the staff members' behaviour, such as a training course or a support plan using internal resources (human or otherwise). This would be recorded and kept on file.
- **A first written warning** for a first instance of misconduct. A further instance may result in a final written warning. A first written warning will remain on the employee's personnel file. The written warning will explain

that a further instance of misconduct or no change in behaviour within a given timeframe will result in a final warning

- **A final written warning** where the employee has already received a first warning, or where the employee's misconduct was sufficiently serious. A further instance may result in demotion or dismissal
- **Dismissal** where there has been gross misconduct or a final written warning has already been given

The Headteacher (or Governing Body in the event that the member of staff is the Headteacher) reserve the right to refer a case of teacher gross misconduct to the National College for Teaching and Leadership (National College) for British teachers, or relevant authorities in Kenya (Teacher Service Commission for example) if we believe the case is so severe that it should consider whether the teacher should be prevented from teaching in the future. We will also refer cases to other relevant authorities where appropriate.

## **Dismissal**

The power to decide that members of staff should no longer work at this school has been delegated to the Headteacher by the Board of Governors of Kenton College.

Once the decision that the staff member should no longer work at the school has been taken, the Headteacher will notify the Board of Governors of the decision and the reasons for it.

## **Appeals Process**

The employee has the right to appeal any sanction. Appeals must be made in writing within 14 working days of the decision. The communication must clearly set out the grounds for appeal and be addressed to the Headteacher (or the HR Manager if the Headteacher is suspected of misconduct).

A disciplinary appeals officer/panel will be appointed.

Appeals will be heard without unreasonable delay and at an agreed time and place (in person, or over video conferencing if relevant). The employees' right to be accompanied by a companion will apply as with formal disciplinary hearings. Minutes will be taken and a copy sent to the employee.

The appeal will be dealt with impartially and by SLT and/or governors who have not previously been involved in the case.

The employee will be informed in writing of the results of the appeal hearing within 5 working days.

## **Special Cases**

If the employee who is subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.

If the employee who is subject to disciplinary procedures raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

### **Record Keeping**

Minutes of all interviews and meetings will be kept. These will be confirmed as an accurate reflection of what was discussed during the meeting.

Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection (GDPR law/regulations).

If disciplinary action is taken, a record of this will be added to the employee's personnel file.

We will disclose any proven disciplinary offences by a staff member if a reference is requested by a future employer.

### **Monitoring Arrangements**

This policy will be reviewed yearly, but can be revised as needed. If any extra-ordinary amendments are made before the scheduled annual review, all employees will be sent an addendum to detail the amendments.

**Appendix 1 - flow chart of disciplinary procedure**

