



King's College School  
*The British School of Madrid*

La Moraleja

### **Staff Disciplinary Guidelines and Procedures**

The King's College School, La Moraleja seeks to avoid a blame culture. It is recognised that employees including the Headteacher, teachers and support staff, empowered to deliver educational services will need on occasions to take moderate risks to achieve the best service for the school community. By human nature, this may involve mistakes occurring at times of pressure which should, within reason, be used as a learning experience and approached through a variety of supportive measures. This could in appropriate circumstances include: a joint examination of an occurrence; a review of existing procedures; advice to the employee as to how best to avoid similar occurrences; provision of appropriate training.

At the same time the King's College School, La Moraleja is focused on setting high standards of conduct and integrity. Where for example misconduct, negligence, lack of care and unacceptable behaviour occurs, reference to this procedure will be necessary. Standards are prescribed in a variety of documents within the Staff Handbook.

Disciplinary rules and procedures are necessary for promoting fairness and order in the treatment of individuals and in the conduct of employee relations. The content of this document deals with the procedures involved in dealing with issues involving staff, the basic expectations of behaviour for staff and also exists to provide a fair method of dealing with alleged failures to observe them.

It is not possible to define in this document all the acts which could lead to disciplinary action. Generally, the test of reasonableness in the circumstances would apply before any disciplinary action is taken: "Is it reasonable to presume the person should have been aware that disciplinary action could result from a certain action or omission?" The purpose of this document is to give more specific guidance to employees on rules which, if flouted, would give rise to disciplinary action. Whilst it is required of employees to observe these rules, it is stressed that the specification of these rules does not mean that the Headteacher and HR Dept can abdicate their responsibilities by automatically imposing disciplinary action without first fully investigating the circumstances when a rule is broken. When a rule is broken, and before any disciplinary action is taken, management must establish whether:

- a. the rule was known to the employee
- b. the rule was consistently applied
- c. the circumstances of the case, where the rule was broken, have been fully investigated
- d. the employee has been given an opportunity to explain his/her actions in accordance with the disciplinary procedure
- e. the disciplinary action taken against the employee who breaks these rules was fair and reasonable in the circumstances
- f. the employee is advised of their right to be accompanied by a colleague or friend



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It is expected that every school employee should:

- be honest and beyond any suspicion of dishonesty
- maintain at all times a high standard of integrity and conduct
- not use their position to further or put private interests or those of relatives or friend before their duty to the School
- fulfil the duties specified in their Contract of Employment

Failure on the part of the employee to maintain acceptable standards in respect of the above will result in disciplinary action being taken by or on behalf of the School. The disciplinary action that may be taken by the HR Dept, CEO or the Headteacher on their behalf, will depend on the seriousness of the breach of Disciplinary Rules. Generally such incidents can be classified as those relating to ordinary misconduct where normal warnings under the disciplinary procedure will be invoked, or to gross misconduct where dismissal may result.

This procedure applies to all school employees including Headteachers for whom the King's Group CEO will carry out the role normally performed by the Headteacher.

## **1.0 CODE OF CONDUCT FOR EMPLOYEES**

- 1.1 The "Code of Conduct for Employees" aims to guide employees on the standards expected so that these can be maintained and improved. A breach of these standards could be relevant to disciplinary considerations. The Code covers the following:
- 1.2 Standards: Parents and pupils are entitled to expect the highest standards of conduct from all College employees. All employees should immediately inform the Headteacher of any irregularities affecting cash, stores or any other school property, also anything else which may affect parental confidence in the school. The College has a policy of providing full support to any employee reporting suspected fraud or corruption (see Whistle-blowing Policy).
- 1.3 Disclosure of Information: In general you should not disclose to an outside individual/organisation any information obtained in the course of your work without the approval of the Headteacher.
- 1.4 Relationships with the Community: You are expected to be courteous, efficient and impartial in your dealings with all the groups that make up the College's community
- 1.5 Outside Commitments: You should not undertake any private work during school time (whether voluntary or paid) without the permission of the Headteacher. If it is in your own time, you need to advise them if it relates in some way to the work of the school (see Private Tuition Policy).



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- 1.6 Equality Issues: You are expected to abide by the College's Equal Opportunities Policy and to ensure that you treat pupils, all members of the local community, parents and other employees fairly and equitably.
- 1.7 Corruption: It is a serious criminal offence to corruptly receive, or offer, or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation was made that you had broken this law, it would be for you to demonstrate that you had not acted corruptly.
- 1.8 Use of Financial Resources: You must ensure that you use College funds in a responsible, transparent and lawful manner.
- 1.9 Hospitality, Sponsorship and Gifts: There are guidelines in regard to both offering and receiving hospitality and gifts. In certain circumstances these also apply to your partner and relatives.

## **2.0 ORDINARY MISCONDUCT AND LACK OF CAPABILITY**

Ordinary misconduct is conduct of such a kind as to warrant disciplinary action, rather than instant dismissal, for a first offence on the part of the employee, and the warning procedure specified in the "Disciplinary Procedure" of the School will normally be followed. Such a procedure will also normally be followed where the employee, by his/her actions, shows a lack of capability in executing the duties for which he/she was employed. The following are examples (albeit neither exhaustive, nor pre-empting more serious disciplinary action), of incidents where the normal warning procedures will be invoked:

- persistent lateness
- lack of basic capability
- acts of insubordination
- unjustifiable absence from work
- unacceptable personal hygiene at work
- disregard of specific school rules and working procedures
- failure to carry out a reasonable professional instruction given by a line-manager (which may in certain circumstances be regarded as gross misconduct)

## **3.0 GROSS MISCONDUCT**

Gross misconduct is of such a nature that in the light of the employee's action the School cannot allow the employee to continue to work and sees no alternative than to recommend to the HR Dept and CEO that they be dismissed on the grounds of gross misconduct, or be suspended pending an investigation. Again, it is not possible to define all acts which could be classified as gross misconduct, as ultimately it will be determined by the circumstances of the incident. The



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following are examples (albeit not exhaustive, nor pre-empting less serious disciplinary action), of incidents which may be classified as gross misconduct:

- Where an employee is under the influence of alcohol or non-prescribed drugs whilst in loco parentis on behalf of the School
- Where the employee fails to notify his/her line-manager or Headteacher of any circumstances
- where a prescribed course of drugs have been medically authorised which he/she is aware may impair his/her ability to efficiently perform the duties for which he/she is employed, or which he/she may reasonably foresee having to perform. Where such notification is made to a Headteacher advice should be sought from a qualified physician.
- Where an employee steals from the School, other employees or pupils.
- Where any employee contravenes specific School disciplinary working or safety rules that have serious potential consequences
- Where an employee's conduct at work is likely to offend common decency.
- Where an employee unfairly discriminates against another employee or member of the school community on grounds of sex, marital status, race, colour, ethnic or national origin, disability or age.
- Where an employee sexually harasses another employee or member of the public.
- Where an employee falsifies any document or makes any false, misleading or inaccurate written statements in any record or document.
- Where an employee knowingly makes false claims for financial reimbursement with the intention of obtaining from the School, a payment to which the claimant is not entitled.
- Where an employee maliciously damages or misappropriates school property, or property on loan to the school, or commits an act of neglect which endangers life or limb.
- Where an employee physically assaults a pupil, colleague, or member of the school community/public.
- Where an employee improperly uses or attempts to use his/her official position for his/her own private advantage or for the private advantage of some other person.
- Where an employee commits an act outside of working hours which is incompatible or inconsistent with their duties to the school or which is likely to bring discredit upon or lead to loss of confidence in the service in which he/she is employed. (e.g. where an employee carries out a serious assault outside school hours).
- Where an employee, without authorisation interferes with computer systems.
- Where an employee falsely and maliciously accuses another employee of misconduct.

#### **4.0 GUIDING PRINCIPLES**

##### **Responsibility for Discipline**

Headteachers and Senior Managers are responsible for the management and discipline of school employees and shall be required to notify the HR Director and CEO of any intention to dismiss or



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formally discipline an employee so that the HR Director can examine the matter, advise and attend or be represented at the disciplinary hearing.

Normally, discipline is effectively maintained by example, advice, job training and informal reprimands and through observance by employees of proper standards of conduct and the rules and regulations of the School.

### **5.0 ADVICE OR INFORMAL REPRIMANDS**

Where minor breaches of misconduct or unsatisfactory performance occur, the employee will be advised by the Headteacher or their representative of the standard of conduct or performance expected in the future and the probable consequences of a further breach. Such breaches will not be recorded as part of this formal procedure.

It is a matter for the Headteacher (in consultation with the HR Director as appropriate), and dependent on the employee's subsequent conduct or performance, to determine whether at a later stage the formal procedure should be invoked.

### **6.0 OPERATING THE PROCEDURE**

6.1 In general, the procedure will not be invoked unless:

- a. previous advice/reprimands have been ineffective
- b. the complaint is of a serious nature
- c. a number of minor complaints are made which, taken together, are serious

6.2 General principles:

- a. any disciplinary action taken will depend on the seriousness of the offence, the past recorded behaviour of the employee including recorded disciplinary warnings issued, any other relevant information and any mitigating circumstances presented by the employee
- b. any disciplinary action taken against the employee will be appropriate to the circumstances of the case, having regard to the need for reasonableness and fairness on the part of the school
- c. the opportunity exists, where disciplinary action is specified, for the employee to appeal against the action of the Headteacher or Senior Manager (or CEO in the case of Headteachers)
- d. the employee has a right to be accompanied by a colleague or other representative of his/her choice at any formal interview and before any formal warning is given or where other disciplinary action is contemplated against the employee



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## **7.0 IMPORTANCE OF SPEED**

All stages of the formal procedures should be conducted as speedily as possible in the interests both of management and employees, and particularly in respect of cases of alleged gross misconduct. All time limits in this procedure may be varied by mutual consent.

## **8.0 INVESTIGATION PROCEDURES**

8.1 If the Headteacher has reasonable grounds for considering that the conduct of an employee warrants disciplinary action, she/he should inform the employee of the nature of the complaint. The employee should receive a written note of the complaint. An email would be sufficient.

8.2 The Headteacher or their representative in liaison with the HR Dept will arrange to investigate the matter, including interviewing the employee. The employee must:

- a. be given the opportunity to state their case
- b. be given reasonable notice of the meeting
- c. be advised of their right to be accompanied by a colleague or other representative
- d. be given a copy of disciplinary procedures applicable should the case be pursued and any other appropriate documentation

The Headteacher shall decide whether the alleged breach of discipline has occurred and, if so, is of a minor nature, a serious nature, or constitutes gross misconduct. In the light of the conclusions of the investigation the Headteacher shall decide whether to:

- a. issue an oral warning for minor breaches of conduct (the Headteacher will keep a record of the oral warning and the employee will be notified as such)
- b. consider any remedial measures such as training or more supervision
- c. suspend an employee from duty on full pay, or be transferred to other duties pending further investigation
- d. refer the matter immediately for a disciplinary hearing N.B. Where remedial training is recommended as in (b) above, further disciplinary action will not be taken until the expiry of the training period.

## **9.0 INVESTIGATIONS INTO ALLEGATIONS INVOLVING CHILDREN**

Where allegations concerning actions in relation to children are investigated, the procedures agreed with the Child Protection guidelines must be followed (see Safeguarding/Child Protection Policy).

Pupils are not normally expected to give evidence personally at disciplinary hearings although recorded written evidence may be presented. Normal arrangements will involve pupil statements



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being taken with an opportunity for a representative of the employee to be present as a non-participant observer.

### **10.0 DISCIPLINARY HEARINGS**

1. Where an oral warning has failed to improve the employee's conduct or performance or where the alleged misconduct or performance justifies action without a prior oral warning, the matter will be investigated in accordance with the principles specified in the procedures above.
2. The Headteacher or his/her representative will write (an email is sufficient) to the employee and include the following in the letter:
  - the fact that the interview is a disciplinary hearing
  - the nature of the alleged misconduct or unsatisfactory performance
  - where and when the disciplinary hearing will take place
  - the right to be accompanied by a colleague or other representative
  - enclose any documentation which may be considered at the hearing
  - advise if any witnesses will be called
3. The number of persons attending the hearing should be kept to a minimum, the Head of HR, or his/her representative, will be present.
4. The person responsible for investigating or presenting the case will present the evidence by outlining the nature of the complaint, providing any supporting documentary evidence and calling witnesses as necessary. The employee and/or their representative and the Headteacher/Head of HR will have the opportunity to ask questions. The employee and/or their representative will then be given the opportunity to explain their view of the alleged misconduct or unsatisfactory performance.
5. If new facts emerge in the interview, the Headteacher should decide whether further investigation is required. If it is, the interview should be adjourned and reconvened when the investigation is complete.
6. Following the conclusion of evidence the Headteacher should call an adjournment before reaching a decision and come to a clear view about the facts and, if they are disputed, decide on the balance of probability what version of the facts is true.
7. If the Headteacher finds the alleged misconduct or unsatisfactory performance substantiated, s/he should before deciding on the penalty, consider the gravity of the offence, the penalty applied in similar cases, the individuals current disciplinary record and any mitigating circumstances.
8. The Headteacher should recall the parties at the hearing to inform the employee of the decision and the penalty, if any, including where appropriate what improvement is expected, how long the warning will last and what the consequences of failure to improve may be.



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9. If other disciplinary action is to be taken, this should also be stated at the disciplinary hearing
10. The warning and or other disciplinary action, if any, must be confirmed in writing and must be sent within 7 calendar days. The letter will advise the employee:
  - a) of the nature of the complaint and the areas requiring improvement
  - b) of any facilities being made available to the employee to secure an improvement
  - c) that a warning has been given and/or the nature of any other action taken, and whether this is a First or Final Warning
  - d) that the facts will be held on his/her personal file
  - e) of the consequence of further unsatisfactory performance or misconduct and of the right of appeal. Where the decision is to take no disciplinary action this will also be recorded in writing
11. Any written warning may be a final warning depending on the circumstances. If the written warning is a final warning the employee must be informed of this in the letter.
12. Where the warning is not a final warning and the employee commits a similar offence or subsequent but different offence a further warning and/or action may be taken. The further warning may be a final warning depending on the circumstances.

### **11.0 OTHER DISCIPLINARY ACTION**

Other disciplinary action may include:

- a. withholding of bonus salary payments
- b. suspension on half or no pay for a specified period. (To be used as an alternative to dismissal only)
- c. demotion (Normally to be used as an alternative to dismissal only)
- d. dismissal with notice or payment in lieu
- e. summary dismissal (in the case of gross misconduct only)

### **12.0 GROSS MISCONDUCT**

1. Gross misconduct is behaviour of such a nature that the Headteacher is normally unable to tolerate the continued presence at work of the employee(s) in question. The disciplinary rules give examples of offences which may be regarded as gross misconduct. These are examples only and are not an exclusive or exhaustive list of offences constituting gross misconduct.
2. Where a case of alleged gross misconduct is proved, the Head of HR and CEO may recommend dismissal without notice and without any requirement to give prior warnings.
3. It is the joint responsibility of the Headteacher, Head of HR and CEO to make decisions regarding the dismissal of employees.
4. The College must make arrangements to allow an employee who they may decide to dismiss the opportunity to make representations (including oral representations) to such persons as the CEO may appoint for the purposes. Employees should also be advised of



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their right to appeal against a dismissal decision. In such a case, an Appeals Panel of at least the same size as the Dismissal Committee should be convened.

### **13.0 SUSPENSION**

1. In cases of alleged gross misconduct, the employee may be suspended on full pay (which should include all contractual and expected entitlements) immediately, such suspension may be pending:
  - a. a full investigation
  - b. the availability of the CEO and Head of HR to hear the employee's explanation
  - c. when a decision on whether or not to dismiss cannot be taken at the time
2. Suspension in this instance is not to be treated as a disciplinary measure. The employee will be advised of the terms of the suspension, their rights during that period
3. The employee will be informed, in person where possible, of the decision to suspend and written confirmation will be sent within 7 calendar days. The employee will cease work immediately on being informed of the suspension. Written confirmation will confirm details of the terms of the suspension.
4. The suspension will be reviewed within ten working days by the Headteacher and the revocation or extension of the suspension period will be notified in writing.
5. During such suspension the employee will receive normal pay as defined in the employee's written statement of employment particulars.

### **14.0 CRIMINAL PROCEEDINGS**

1. Conviction for a criminal offence will not automatically result in the dismissal of an employee.
2. An investigation will be carried out and the position will be considered in the light of all the circumstances known at the time of the disciplinary hearing.
3. Alternatively, acquittal of a criminal charge will not in itself preclude disciplinary action being taken.

### **15.0 APPEALS PROCEDURES**

1. A School employee may appeal against any formal disciplinary warning or against dismissal by appealing to a panel of School representatives appointed to their appeal by the Head of HR.
2. No-one who has taken part in the initial discussions or has detailed knowledge of the case will take part in an appeals panel.
3. An appeal should be made in writing, stating the grounds for appeal to the Headteacher within seven calendar days of the receipt of the letter of notification.



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4. The Headteacher will notify the appellant and their representative if appropriate of the time, date and venue of the appeal hearing. The appellant will be given at least 7 calendar days notice of the hearing.
5. The parties to the appeal hearing will exchange documents and any written statements of submission at least five working days before the hearing. Copies of all documents relevant to the appeal will be made available to the appeal panel.
6. An appeal panel should consist of at least three King's Group employees. A representative of the HR Dept should attend to advise the panel.
7. The appeal panel may allow, reject or modify the disciplinary action taken. A modification should not involve a penalty of greater severity. Their decisions will be final and should be given orally at the conclusion of the hearing and confirmed in writing within 5 working days.

A copy of this letter should also be sent to the Head of HR, CEO and Headteacher.

N.B. (i) The Committee reserves the right to call any witness or employee who might be able to assist and clarify any point that may emerge during the hearing in order to enable the Committee to form a decision consistent with the spirit and intent of natural justice. Witnesses will only remain present whilst giving evidence.

N.B. (ii) Where a member of the Appeals Panel or Committee is known to the appellant in such a manner which would prejudice a fair hearing, the member should declare that interest and withdraw from the hearing.

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## **APPENDIX ONE**

### **CONDUCT AND PROCEDURES FOR DISCIPLINARY HEARINGS INCLUDING APPEAL PANEL HEARINGS CONDUCT**

1. As far as is reasonable hearings should be held at a time and place which is acceptable to all parties.
2. The parties to the hearing will exchange any written submissions or documents in advance of the hearing. Notification of any witnesses to be called will also be given at this time.
3. Suitable opportunity should be made for the employee and his/her representative to meet in private before, during and after the hearing.
4. Witnesses should be instructed not to discuss their evidence with other witnesses during the hearing.
5. During the hearing requests for short adjournments from either party should be considered if they seem reasonable.

### **PROCEDURE**

1. The Headteacher, Head of HR, CEO or other King's Group representative as appropriate will introduce the meeting and confirm meeting procedures.
2. The Headteacher or his/her representative will put the school's case and present witnesses if appropriate.
3. The employee and his/her representative to have the opportunity to ask questions of the Headteacher or his representative and any witnesses.
4. The employee and/or his/her representative may put their case and call any witnesses.
5. The Headteacher or his/her representative will have the opportunity to ask questions of the employee or his/her representative.
6. In the case of an Appeal, both parties will withdraw whilst the panel considers their decision with advice taken from the Head of HR or his representative.