

Report sponsor: Simon Riley, Strategic Director
of Corporate Resources
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Changes to Disciplinary and Dismissals Policy - Schools

Purpose

- 1.1 The HR service have reviewed and updated the School's Disciplinary and Dismissals Policy. The review has been prioritised in line with changes in legislation and/or case law, best practice approaches and the length of time since the policy was reviewed. The Council's Disciplinary and Dismissals Policy has also been reviewed and updated.
- 1.2 This report sets out both the main changes, and the reasons for the changes, to the Disciplinary and Dismissals Policy. The policy is attached in Appendix 1 and has been discussed and agreed with the Trade Unions at the Policy Working Group.

Recommendations

- 2.1 To note the proposed main changes to the revised Disciplinary and Dismissals Policy, as set out in the Supporting Information section.
- 2.2 To approve the revised policy and note that subject to approval, the revised policy and guidance will be published on the School's intranet site and a communications roll out of the changes will be shared with colleagues.

Reasons

- 3.1 The removal of the word "Dismissal" from the title removes any unconscious bias and demonstrates it's a fair process. Dismissal remains to be a possible outcome of the policy along with other outcomes but does not need to be referenced in the title.
- 3.2 The revised Policy enables the Commissioning Manager to retain accountability of the Disciplinary process; by arranging and attending the Disciplinary hearings to present the management statement of case.

Supporting information

- 4.1 The main purpose of the Disciplinary Policy is to set expectations and to encourage improvement in a colleague's conduct where they fail to meet the standards required.

Dealing with conduct matters is a critical part of the policy and the policy sets out how any conduct matters will be managed.

- 4.2 A summary of the proposed changes to the policy;
- the removal of the words “and Dismissals” from the Policy title
 - a change to the role of the Commissioning Manager for the purposes of accountability
 - a change to the disciplinary rules section which provides a non-exhaustive list of what could be considered as misconduct, gross misconduct, SOSR (some other substantial reason) or statutory restriction.
- 4.3 The policy wording has changed to make it more user friendly, such as replacing “employee” with “you”. This is consistent with other policies under review and is the future approach in policy writing.
- 4.4 Informal action remains the emphasis of the policy and it encourages the Governing Body, Headteacher, Manager or the appointed representative to deal with potential conduct issues as and when they arise. This has the effect of reducing the potential for cases to escalate to the point where formal action becomes necessary.
- 4.5 The policy also encourages line managers to be more involved and accountable for the process. This approach to the management of conduct also serves to improve employee relations and encourages managers to take a more pragmatic approach to the management of colleague behaviour in their teams.
- 4.6 Within the current Policy the Disciplinary Rules are defined in seven categories with descriptions for each. This has been revised to non-exhaustive lists which enables the School to remain modern, flexible and resilient by ensuring that the Disciplinary policy, procedure and process is fit for purpose. This is in line with ACAS code of practice and is considered as a best practice.
- 4.7 The HR Team are in the process of updating the guidance to reflect these changes and to align it with the SIP intranet principles which were implemented following Voice of the Customer feedback. This includes clarity and simplicity in content and easier navigation and layout.

Public/stakeholder engagement

- 5.1 The revised draft policy was shared with School Business Managers and the Council's Education and Skills service area. The majority stated that the policy reads well, and it is clear and easy to follow. Trade Union colleagues have also been consulted on the proposed policy changes.

Other options

- 6.1 Do nothing and retain the current policy and guidance. This is not considered to be an appropriate approach, as it fails to emphasise the benefits of the changes, and it would maintain outdated practices.

Financial and value for money issues

- 7.1 There are efficiency savings in terms of reducing process timescales.

Legal implications

- 8.1 Employers are required by law to provide a written policy for the management of any conduct issues in the workplace.

Climate implications

- 9.1 None identified

Other significant implications

- 10.1 All policies are underpinned by an EIA and the EIA for the Disciplinary Policy (appendix 2) has been reviewed by the Equality and Diversity Lead.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Charlotte Hutton	21 October 2022
Finance	Not Applicable	
Service Director(s)		
Report sponsor	Simon Riley	25/10/22
Other(s)	Liz Moore	24/10/22

Background papers:	None
List of appendices:	Draft Disciplinary Policy - Schools – Appendix 1 EIA – Appendix 2