



Rochdale Islamic Academy
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BOYS' SCHOOL

EMPLOYEE - DISCIPLINARY & GRIEVANCE POLICIES

V.1.0

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Responsible: Mr Arshad Ashraf

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Approved: Mr Javaid Kashif (Chair of Governors)

EMPLOYEE - DISCIPLINARY & GRIEVANCE POLICIES

This procedure sets out the actions that will be taken when rules of appropriate conduct are breached. The aim is to secure improvement, rather than to punish, wherever possible.

It is designed to establish the facts quickly and to deal consistently with disciplinary issues. No punitive action will be taken until matters have been fully investigated.

Disciplinary procedures will normally be initiated within ten working days of an alleged offence having taken place or come to the attention of the employee's supervisor, or as negotiated with the employee and/or their representative. Any investigative procedures will normally occur within these ten working days.

What Constitutes Misconduct?

The following matters might be considered minor misconduct:

- occasional lateness
- poor use of time and/or facilities

The following matters might be considered serious misconduct:

- Persistent lateness, rudeness or extreme discourtesy
- bringing the school into disrepute

The following matters are considered to be **gross misconduct**:

- theft of unauthorised possessions of the school's property, or property belonging to other members of the school staff
- assault of employees or other third parties during the course of employment
- intentionally bringing the organisation into disrepute
- refusal to carry out reasonable leadership instructions when directed by an authorised person
- endangering the health or safety of others
- wilful damage to the property or possessions of other employees or those belonging to the school
- indecent or immoral behaviour during employment
- any act of deceit or dishonesty relating to employment role or RIA's business or affairs
- Deliberate divulgence of any of the school's confidential information to any third parties without prior authority or consent
- verbal or physical discrimination, harassment or victimisation related to any third party's religion, race, gender, sexuality or disability
- any significant breach of Rochdale Islamic Academy's Equal Opportunities Policy.

Please note that these lists are not exhaustive. Depending on the changing nature of the school over time, it may be that views differ of what constitutes misconduct.

DISCIPLINARY PROCEDURE

PRELIMINARY STAGES

1. Misconduct or negligence pertaining to individual teaching roles will be dealt with by the Head of school in the following way:
 - a. The concerns will be raised verbally with the employee, and the employee will have the opportunity to respond.
 - b. The matter will be resolved through discussion, and both parties will reach a mutually agreed plan of action that will be reviewed after an agreed period of time.
 - c. Upon review, if it is found that the situation is static or has worsened, then the Head-teacher will be informed.
 - d. Minor staff offences, concerns or lapses will not be recorded.
2. Misconduct/negligence pertaining to individual pastoral roles will be dealt with by a member of the Senior Leadership Team, who will:
 - a. Investigate, with impartiality, the accounts and viewpoints of all parties involved.
 - b. Conduct separate interviews, In order to achieve the aforementioned.
 - c. Assist the offending party to see the error of their ways in an advisory, yet authoritative manner.
 - d. Inform all parties of the outcome of an investigation, and the action to be taken.
 - e. Review the situation after an agreed period of time.
3. In the event that an employee feels that they have been unjustly disciplined, they can forward their concerns to the Head-teacher, who will seek to investigate the concern promptly and impartially.
4. Persistent incompetence and an apparent lack of commitment will not be tolerated by Rochdale Islamic Academy, whose pupils deserve the best possible level of care, commitment and teaching. In such cases, the Head-teacher may take matters to the Panel Hearing stage.
5. In the event of serious misconduct, suspicion of gross misconduct, receipt of a serious complaint/allegation, the school reserves the right to suspend the employee in question until the outcome of a formal enquiry.
6. This suspension will be enforced as a precautionary measure, protecting both the complainant and the employee from backlash during the investigatory period.
7. The school will permit a suspended employee to seek guidance and support from its senior members of staff, whether this is via telephone contact or a pre-arranged and supervised meeting at the school.
8. All serious offences will be recorded in the employees' personal files.
9. Confidentiality will be maintained at all times. This does not prevent an employee from informing others that they are being disciplined, and the reason for disciplinary action. *The school reserves the right to prematurely terminate a teaching contract if there is compelling evidence to suggest an obvious breach of contract.*

DISCIPLINARY ACTION

Stage 1 Formal Warning

If an employee's performance conduct or performance is unsatisfactory, the employee may be given a formal verbal warning or a formal written warning by the Head-teacher/disciplinary panel. This will be recorded in writing and a copy placed in the employee's personal file.

The written warning may be given for more serious misconduct or where a verbal warning has already been given. The employee will be informed of the consequences if further misconduct occurs or if performance

does not improve. The formal warning will normally be disregarded after six months of satisfactory service, and withdrawn from the personal file.

Further disciplinary action need not necessarily be for the same or similar offence to that contained in the formal warning, if the offence takes place within six months of the verbal warning or one year of the written warning being issued.

Stage 2 Final Written Warning

If misconduct is more serious performance is still unsatisfactory, a final written warning may be given by the Head-teacher/disciplinary panel, making it clear that any recurrence of the offence or other serious misconduct within a specified period will result in dismissal.

A copy will be given to the employee and a copy placed in the employee's personal file.

Stage 3 Dismissal

If there is no satisfactory improvement or if further serious misconduct or gross misconduct occurs, the employee may be dismissed by the Senior Leadership Team.

It should be noted that:

- Depending on the gravity of the offence, disciplinary action may be initiated at the any of the three stages.
- The employee will at all times be informed by the Head-teacher/disciplinary panel of what constitute acceptable standards of performance and behaviour; and offered whatever help may be considered appropriate in meeting those standards. This would include appropriate training or counselling.
- An employee has the right to appeal against any disciplinary penalty and must be informed of this.

PANEL HEARINGS

A disciplinary hearing may be convened if employees persistently breach rules and regulations or commit serious or gross misconduct.

1. A designated person who will not be sitting at the disciplinary hearing will conduct an investigation in order to collate the facts that are to be presented to the disciplinary hearing panel.

2. An employee who is subject to a disciplinary hearing will have the right of representation at any investigative meeting. The appointment of a representative, if any, will be stated in writing.

3. The employee will be sent a letter informing them of the hearing. This letter will contain the following information:

- The date and time of the hearing
- The reason for the complaint
- Their right to be accompanied by a work colleague or a representative
- A copy of this procedure
- The stage of the procedure the hearing is at

4. Any evidence that is to be presented to the disciplinary hearing will be available to the employee concerned (and their representative) with reasonable notice before the hearing is conducted (i.e. two clear working days).

5. If an employee requests a representative who cannot attend on the date specified, consideration must be given to the alternative dates suggested by the representative. These should be within five working days of the original date.

6. If following an investigation, the offence is admitted, a formal or written warning may be issued without recourse to a panel.

This must be with the agreement of the employee, their representative (if any) and the person responsible for the investigation.

7. A panel of at least two representatives from the Senior Leadership Team will hear disciplinary hearings, none of whom will have been directly involved with the case previously. (They may, however, have been involved on a previous occasion.)

8. Wherever possible, Rochdale Islamic Academy shall seek to ensure that members of the panel have sufficient experience and/or the training appropriate to the complexity of the case. If necessary, panel members may ask for the assistance of an advisor from other professional bodies or support groups.

PROCEDURE FOR THE CONDUCTION OF PANEL HEARINGS

1. There should be at least two panel members present, along with the advisor (if any), the person(s) who carried out the investigation, the employee, the employee's colleague or representative (if any), and (optional) a person to take notes.
2. Those present will be introduced and the procedure will be explained.
3. The investigator will present his/her report.
4. Witnesses may be called and questioned in support of the committee.
5. The employee or their representative will be given the opportunity to respond.
6. The employee or their representative may call and question witnesses or read statements in support of their case.
7. The investigator will sum up their argument.
8. The employee or their representative will sum up their defence.
9. The panel will withdraw to discuss the case. They may ask questions of their advisor, but the advisor may take no part in the decision.
10. If the panel decides in favour of the employee, they will record that no further action is to be taken and that the procedure has been terminated.
11. If the panel decides against the employee, they will then decide the penalty in accordance with this policy.
12. The employee will be informed of the decision and notified of the right of appeal.

The decisions in steps 10 and 11 do not have to be taken immediately if the case is difficult, but must be communicated in writing to the employee within five working days of the hearing.

- At stages 3 and 4, the employee or their representative will have the opportunity to ask questions of the investigator and their witnesses.
- At stages 5 and 6, the investigator will have the opportunity to ask questions of the employee or the representative and any witnesses.
- The panel may ask questions at any stage and may recall witnesses if necessary.
- At an appeal panel hearing the procedure is the same, but steps 3-4, 5-6 and 7-8 are reversed, i.e. the employee puts their case forward before the investigator.

APPEAL HEARINGS

1. An employee who wishes to appeal against any disciplinary decision must do so in writing to the Senior Leadership Team, within five working days. An employee's nominated representative is allowed to perform this function.
2. A date for the appeal hearing must be set as soon as possible after receipt of the appeal.
3. The appeal should normally be heard within fifteen working days of receipt of the appeal.

Stage 1

A panel of at least two people who have not previously been involved shall hear the appeal. If an advisor has been involved, they may continue to advise if the panel wishes.

Stage 2

If the panel does not meet, or cannot reach a conclusion, a special meeting of the Board of Trustees will be convened and a panel of three representatives from the Board will investigate the case further with rights of representation on the part of the employee.

The Board of Trustees' decision will be final.

GRIEVANCE PROCEDURE

An employee who has a grievance about employment should follow the procedure outlined below:

1. The employee should raise the matter with the Head-teacher.
2. If this is not viable, the employee may ask for their concern to be brought before other members of the Senior Leadership Team.
3. The Senior Leadership Team may place it on their next agenda, or may call a special meeting to discuss it.
4. The employee may ask for it to be discussed privately.
5. At all these stages, the employee may be represented by a fellow employee or any other appropriate representative (not necessarily an employee of Rochdale Islamic Academy).
6. The Leadership Team will deal with the case in a similar fashion to that described in the *Disciplinary Procedure*.

If an employee has approached their supervisor about an issue and has received a written reply, this constitutes the first stage of the grievance procedure even if not formally stated at the time. In this case, the next stage will be employed.

In cases of discrimination, an employee has the right of veto over those conducting the grievance hearing, if their participation is felt to be part of the discrimination being discussed. For example, if an employee is bringing a grievance against the headteacher, they may wish another member of SLT to take part in the hearing instead.

The grievance committee may be asked to co opt external bodies or specific members of the SLT by the employee or their representative, in order to create an acceptable balance of opinion.