



However, Head Teachers and Governing Bodies now have responsibility for making arrangements for school-based issues to be resolved.

### **Disciplinary, Conduct and Capability Procedures**

The law requires that Governing Bodies of schools must:

- Decide on conduct and capability arrangements which are fair and meet the standards set by the ACAS code of practice, employment case law and statute.
- Ensure that arrangements and standards of conduct are made known to all members of staff. This is now extremely important so that employees must have easy access to disciplinary procedures, grievance procedures, staffing adjustment and dismissal procedures.
- Ensure that the procedures are followed; that proper investigation is carried out, and any disciplinary action taken is reasonable.

### **Grievance Procedure**

Section 3(i) of the Employment Rights Act 1996 requires all employers to specify a person to whom an employee can apply for the redress of any grievance relating to their employment, the manner in which any such application should be made, and the procedure for pursuing the grievance. The Employment Act 2002 provides for a standard statutory grievance procedure to be followed where an employee has a grievance relating to their employment. Providing a school follows the model procedure and by direct implication the statutory procedure, it will not only increase the chances of resolving the employee's complaint but it also should prevent the employee taking the matter to an Employment Tribunal before the grievance procedure has been invoked and completed.

### **Dismissal Procedure**

Governing Bodies and Head Teachers will understand the need for all staff in the school to recognize that no employees will be dismissed if there is any reasonable alternative course of action that will not be to the detriment of the school and/or other members of staff where dismissal may arise. This is particularly necessary in view of the Employment Act 2002 Dispute Resolution Regulation 2004, which sets out minimum statutory procedures for handling dismissals. The most common dismissals are due to reasons of:

- Conduct
- Lack of capability due to competence issues (often called poor performance)
- Redundancy (often called staffing adjustments in the handbook)
- Lack of capability due to health reasons or to failure to obtain qualifications
- Some other substantial reason
- Ending of fixed term contracts
- Retirements where dismissal is required (as opposed to a mutual agreement to retire).

### **Management of Employee Attendance**

In order to influence employee behaviour and performance, a positive proactive approach to sickness absence, with consistent and fair procedures, together with clear expectations of good attendance should be in place. The Governing Body and management should be seen to show an understanding towards those who are absent through sickness, whilst taking appropriate action against those few who abuse the system.

## **Dignity at Work Policy**

The Governing Body recognises that all employees have the right to work in an environment that is free from bullying and harassment. This policy reinforces the School's commitment to equality and diversity and to promote positive, professional and courteous working relationships. The working environment should be safe and non-threatening, where the dignity of all is respected.