



Disciplinary, Capability and Grievance Procedures

Autumn Term 2025

Aims and Principles

St Paul's Cathedral School is a Christian, co-educational community which holds to the values of love, justice, tolerance, respect, honesty, service and trust in its life and practice, to promote positive relationships throughout the school community and where the safety, welfare and emotional well-being of each child is of the utmost importance.

The school aims to instil a love of learning through a broad curriculum. It aims to give each pupil the opportunity to develop intellectually, socially, personally, physically, culturally and spiritually. All pupils are encouraged to work to the best of their ability and to achieve standards of excellence in all of their endeavours.

Through the corporate life of the school, and through good pastoral care, the school encourages the independence of the individual as well as mutual responsibility. It aims to make its pupils aware of the wider community, espouses the democratic process and encourages a close working relationship with parents and guardians.

1. DISCIPLINARY PROCEDURE

The Staff Code of Conduct and the Disciplinary Procedure, with which all employees have a responsibility to familiarise themselves, are designed to promote fairness and consistency in the treatment of all employees and to assist the School to function effectively.

This procedure will apply to any disciplinary situation which includes misconduct and cases of poor performance that result from misconduct. It is not contractual but applies to all employees (save for those in their first two years of service) who should familiarise themselves with its provisions. Performance issues that do not relate to misconduct will be dealt with in accordance with the Capability Procedure. However, the two procedures may be run in parallel at first in order to investigate the underlying cause of the concern.

The Staff Code of Conduct sets standards of required conduct at work.

This Disciplinary Procedure is designed to ensure that these standards are adhered to and provides a fair method of dealing with any alleged failures to observe them. The procedure does not preclude minor disciplinary situations from being dealt with informally.

In cases other than gross misconduct or in the first two years of employment (as noted above), an employee whose conduct does not meet the standards will normally first be counselled in an attempt to achieve the required improvement. However, the School reserves the right to commence the procedure at any stage if the circumstances warrant such action.

No disciplinary action will be taken until the matter has been investigated and the employee has had the opportunity to respond to the allegations in accordance with the procedure set out below. All disciplinary situations will be dealt with without unreasonable delay.

In the event of the absence of any of those involved, except for the employee who is the subject of the procedure, a deputy may take their place provided that this will not jeopardise the likelihood of a fair outcome.

Confidentiality

The School's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

An employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.

Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the witnesses have not consented to the

disclosure of their identity or evidence, or we believe that the identity of a witness should remain confidential.

Criminal Allegations

Where an employee's conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

Subject to the receipt of external advice, the School will not normally wait for the outcome of any criminal prosecution before deciding what action, if any, to take. Where an employee is unable or has been advised not to attend a disciplinary meeting or say anything about a pending criminal matter, the School may have to make a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside of work may be treated as a disciplinary matter if the School consider that it is relevant to an employee's employment.

Suspension

Where an employee is accused of an act of serious or gross misconduct, or where the circumstances otherwise warrant it, after careful consideration they may be suspended from work on full pay pending the outcome of the disciplinary procedure. Such suspension is not a form of disciplinary action and does not imply that any decision has already been made about the allegations.

Where appropriate, during any disciplinary investigation or suspension, the Head or Deputy Head will appoint a senior member of staff, who is not involved in the disciplinary procedure, to provide guidance and support to the member of staff under investigation or suspension.

Formal Disciplinary Procedure

Investigation

When a disciplinary situation arises a senior member of staff will, as soon as reasonably practicable, carry out an investigation into the matter. The purpose of an investigation is for the School to establish a fair and balanced view of the facts relating to any disciplinary allegations, before deciding whether to proceed with a disciplinary meeting. Where there is a lack of appropriate resource within the School, or the nature or complexity of the allegation requires it, an independent investigator may be appointed. The investigation will be confined to establishing the facts and gathering any relevant documentation. Where necessary, the investigating officer will obtain statements from any relevant individuals. An investigatory meeting with the employee may take place if considered appropriate by the investigating officer. Employees do not have the right to bring a companion to an investigatory meeting.

Notification

If, as a result of the investigation, it is decided that there is a disciplinary case to answer, the employee will be invited to attend a disciplinary meeting.

The employee will be informed in writing of the allegations, the basis for those allegations, and the possible range of sanctions if the School decides after the disciplinary meeting that the allegations are substantiated. Where appropriate, the employee will be provided with a summary of relevant information and copies of any relevant documents gathered during the investigation which will be used at the disciplinary meeting.

Where either party intends to call any relevant witnesses at the disciplinary meeting, advance notice of their intention to do so must be given.

Disciplinary Meeting

A disciplinary meeting will be conducted by the Head or Deputy Head (or an appropriate senior member of staff appointed by them, who has had no prior involvement).

The employee may be accompanied by a trade union representative or colleague if desired. A companion may make representations, ask questions, and sum up an employee's case, but will not be allowed to answer questions on an employee's behalf. An employee must tell the individual conducting the meeting who their chosen companion is, in good time before the meeting.

The employee and their companion, if any, should make every effort to attend the disciplinary meeting. If the employee fails to attend the disciplinary meeting this will usually be rearranged once, but should they fail to attend the rearranged meeting then a decision may be reached in their absence.

At the disciplinary meeting the School will go through the allegations and the evidence that has been gathered. The employee will then be given the full opportunity to explain the matter and respond to the allegations.

A note taker will usually be present but will not be involved in the decision-making process.

The School may adjourn the disciplinary meeting if any further investigations need to be carried out. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

If, following the disciplinary meeting, it is decided that disciplinary action is warranted, the employee will be advised of the decision in writing and this will specify the details of:

- the failure to meet the required standard;
- any action required by the employee to remedy the situation;

- any relevant review period /duration of warning and the consequences of continued or subsequent failure to reach and sustain the required standard of performance or conduct; and
- the right of appeal.

Disciplinary Sanctions

If disciplinary action is warranted, one of the sanctions below may be issued. A sanction may be imposed at any level (including summary dismissal) depending on the circumstances.

- **Written Warning**

In the case of a first act of misconduct, or a repetition of earlier minor offences or a failure to improve, the employee will be given a written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period.

A first written warning will normally remain in force for twelve months and a copy of the warning will be kept on the employee's personnel record.

- **Final Written Warning**

In the case of a sufficiently serious offence, or a repetition of earlier offences the employee will be given a final written warning, setting out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. This may include a statement that any recurrence or no improvement may lead to a dismissal or to some other action short of dismissal.

A final written warning will normally remain in force for twelve months and a copy of the final written warning will be kept on the employee's personnel record. In exceptional cases, depending upon the seriousness and nature of the behaviour, misconduct or infringement, the period for which the final written warning remains in force may be longer.

- **Dismissal**

This stage will normally result from continued failure by the employee to act on previous warnings or an act of gross misconduct. In the case of gross misconduct, the employee will normally be dismissed without notice or payment in lieu of notice. If the decision to dismiss is made the employee will be informed in writing of the reason for dismissal, the date on which the contract between the parties will terminate and the appropriate period of notice.

Alternatives to Dismissal

In exceptional circumstances, the following actions short of dismissal may be considered as an alternative to dismissal:

- a period of suspension without pay;
- demotion; or
- transfer.

These sanctions may be used in conjunction with a written warning.

Gross Misconduct

In exceptional circumstances, employees may be dismissed without notice if it has been established, after investigation and after hearing the employee's explanation at a disciplinary meeting, that there has been an act which constitutes gross misconduct. Misconduct committed outside of work may, depending the circumstances, amount to gross misconduct.

Examples of actions which constitute gross misconduct include (but are not limited to):

- gross insubordination;
- serious breach of health and safety rules;
- serious breach of the School email and internet use policy;
- theft or fraud from either the School or co-workers or deliberate damage to School property or that of co-workers;
- being under the influence of drink or illegal drugs at work;
- disorderly or threatening conduct on school premises;
- contravention of equal opportunities policy;
- negligence resulting in serious loss, damage, or injury;
- assault or attempted assault;
- falsification of records;
- conviction on a criminal charge;
- acceptance of a police caution;
- serious breach of School policies or procedures;
- bullying, cyberbullying, discrimination, victimisation or harassment of colleagues, pupils or parents;
- abuse or suspected abuse of an employee's position of trust in relation to pupils at the School; or
- bringing the School into disrepute.

Appeals

If an employee feels that the disciplinary action taken against them is wrong or unjust, they may appeal against the decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the Head of HR and Compliance.

The appeal hearing will be convened as soon as is reasonably practicable and the School will give an employee written notice of the date, time and place of the appeal hearing. The appeal hearing will be held by the Head or Deputy Head, or a Governor or panel of up to three Governors (who have had no prior involvement). The Head or Deputy Head will not hear the appeal if they held the disciplinary meeting.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This decision will be at the School's discretion

depending on the circumstances of the case. In any event, the appeal will be dealt with as impartially as possible.

Where new evidence arises prior to or during the appeal, the School may need to carry out further investigation. The employee will be given access to any relevant new information or evidence and will have the opportunity to consider this before the hearing and make representations.

The employee will have the right to be accompanied at any appeal hearing by a colleague or trade union representative.

The employee will be informed in writing of the decision of the appeal hearing as soon as is reasonably practicable following the conclusion of the hearing. The outcome may be that:

- the original decision is confirmed;
- the original decision is revoked; or
- a lesser penalty is issued.

Such decision will be final and there will be no further right of appeal.

In the event of an unsuccessful appeal against a decision to dismiss the original dismissal date shall stand. However, if an employee's appeal is successful, they will be reinstated with no loss of continuity or pay.

Record Keeping

A copy of all formal warnings will be retained on an employee's personnel file and in accordance with the School's Privacy Notice and policies and procedures on data retention but will be considered spent after the period specified in the warning.

2. CAPABILITY PROCEDURE

This procedure applies where a member of staff is failing to carry out their responsibilities or duties in a satisfactory manner, due to a lack of ability, experience or qualifications or on health grounds.

This procedure aims to ensure fairness and consistency throughout the School and provides for warnings to be given for failure to meet our standards of job performance. The procedure is non-contractual in nature but applies to all members of staff except those in their first two years of employment. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns. All members of staff should familiarise themselves with its provisions.

Most performance improvement procedures will follow the course set out below. However, we may vary the process to suit individual circumstances; such a variation will not amount to a breach of this procedure. The procedure will be invoked when performance issues arise or are identified either following an appraisal process or otherwise. This procedure aims to ensure that there is:

- Openness and awareness for staff when they are not meeting the required levels of performance.
- A means of monitoring performance and establishing performance criteria.
- A degree of consistency in how staff are given opportunities to attain satisfactory levels of performance.
- Assistance in identifying the most appropriate form(s) of support and providing that support

Identifying Performance Issues

In the first instance, the School will normally address performance concerns informally between the employee and their line manager and offer appropriate training and support before progressing under this procedure.

The formal procedure set out in this document should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement.

Informal discussions may help to:

- clarify the required standards;
- identify areas of concern;
- establish the likely causes of poor performance and identify any training needs; and
- informally support the employee to improve in the areas required.

Confidentiality

The School's aim is to deal with performance matters sensitively and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this Capability Procedure.

An employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.

Suspension

Where an employee is accused of an act of serious or gross negligence, they may be suspended from work on full pay and benefits, pending the outcome of the Capability or Disciplinary Procedure. Such suspension does not imply that any decision has already been made in relation to this procedure or the Disciplinary Procedure.

Where appropriate, during any investigation or suspension, the Head or Deputy Head will appoint a senior member of staff, who is not involved in the capability or disciplinary

procedure, to provide guidance and support to the member of staff under investigation or suspension.

Formal Meeting

If the School considers that it is necessary to invoke the formal capability procedure, the employee will be informed in writing giving reasonable notice of the date, time and place of the capability meeting. In so doing, the School will set out details of the alleged shortfall or failure in performance, together with any evidence relied upon if practicable and available. At all stages of the procedure, the employee will be allowed to attend a capability meeting with a colleague or a trade union official as a representative and will be given an opportunity to state their case. A companion may make representations, ask questions, and sum up the employee's case, but will not be allowed to answer questions on their behalf. The manager conducting the meeting must be told who the chosen companion is, in good time before the meeting.

Employees must take all reasonable steps to attend the meeting. If they fail to attend the meeting this will usually be rearranged once, but should they fail to attend the rearranged meeting then a decision may be reached in their absence.

A capability meeting will normally be chaired by a senior member of staff and will usually cover the following:

- Setting out the required standards that the School believes the employee may have failed to meet and going through any relevant evidence that has been gathered.
- Allowing the employee to ask questions, present evidence, respond to evidence and make representations.
- Establishing the likely causes of the poor performance, including any reasons why any measures taken so far have not led to the required improvement.
- Identifying whether there are further measures, such as additional training or supervision, which may improve the employee's performance.
- Discussing targets for improvement and a timescale for review.
- If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.

A meeting may be adjourned if the School needs to gather any further information or give consideration to matters discussed at the meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Following the meeting, as soon as is reasonably practicable, the School will write to the employee to confirm the decision and the reasons for it. They will also be informed of their right to appeal the decision if they are not satisfied with it.

Appeal

An employee may appeal against a decision within five working days of receipt of the written decision. Such appeals are to be made in writing to the Head of HR and Compliance.

The appeal meeting will be convened as soon as is reasonably practicable. The appeal meeting will be held by the Head or Deputy Head, or a Governor or panel of up to three Governors (who have had no prior involvement). The Head or Deputy Head will not hear the appeal if they held the capability meeting. Where new evidence arises prior to or during the appeal the employee will be given access to any relevant information or evidence and will have the opportunity to make representations. The employee will have the right to be accompanied at any appeal meeting by a colleague or trade union representative. The employee will be informed in writing of the decision of the appeal meeting following the conclusion of the meeting. Such decision will be final. In the event of an unsuccessful appeal against a decision to dismiss the original dismissal date shall stand.

Performance Warnings

Written warning

In the case of serious shortfall, or failure or a repetition of earlier shortfall or failure, the employee will be given a written warning, setting out the precise nature of the shortfall or failure, the likely consequences of further shortfall or failure and specifying, if appropriate, the improvement required and over what period. Objectives, timescales and measures for the performance improvement should be set. The employee's line manager or Head of Department should offer help with training and supervision as required. A written warning will be kept on the employee's record in accordance with the School's and policies and procedures on data retention but will be considered expired after 12 months. The employee's performance may be appraised, at intervals to be determined by their line manager or Head of Department, at any time during this period.

Final written warning

In the case of a further repetition of earlier shortfall or failure, if the employee still fails to improve or if the shortfall or failure, whilst falling short of gross negligence, is serious enough to warrant only one written warning, they will be given a final written warning setting out the precise nature of the shortfall or failure containing a statement that any recurrence or failure to improve will lead to dismissal or whatever other penalty is considered appropriate and specifying, if appropriate, the improvement required and over what period. A final written warning will be kept on the employee's record in accordance with the School's Privacy Notice and policies and procedures on data retention but will be considered expired after 12 months. Objectives, timescales and measures for the performance improvement should be set. The employee's line manager or Head of Department should offer help with training and supervision as required. The employee's conduct and performance will be appraised, at intervals to be determined by their line manager or Head of Department, at any time during this period.

Depending upon the seriousness of the matter and all the circumstances, any of the above stages may be omitted.

Dismissal

In the case of gross negligence, or if all the appropriate stages of the warning procedure have been exhausted, the employee will normally be dismissed.

The School reserves the right to consider other possible formal action, including (but without limitation): demotion or transfer; loss of seniority or salary increment; suspension (without pay).

If an employee is dismissed, they will be provided with a written statement detailing the reasons for dismissal, the date on which employment will terminate and the right of appeal.

Examples

The following are non-exhaustive and non-exclusive examples of the sort of performance shortfalls or failures, which will normally lead to action being taken.

Minor offences (informal oral warning)

- Occasional poor job performance involving sub-standard work or application.

Serious offences (written or final written warning)

- Consistent poor performance or application.
- Failure to improve performance following an appraisal meeting or performance review, within the timescale specified within such a meeting or review.
- Failure to perform duties or roles to an acceptable standard for reasons which it is within the employee's power to rectify.

Employees should be made aware that if there is no adequate improvement following the issue of warnings, such issues may result in dismissal.

Capability and consistent performance offences (dismissal with notice)

- Incapable and/or unsuitable of performing role or main job functions/duties as set out in job description and which could not be rectified by training or coaching.
- Consistent failure or unable to improve performance to required or reasonable standards or to the level of other members of staff carrying out the same, similar or equivalent work.
- Unable satisfactorily to do or do not have the qualifications, aptitude and/or ability for the job.

Gross negligence (dismissal without notice)

- In the most serious cases of gross negligence, normally (but not necessarily) resulting in significant financial loss or loss of reputation to the School, where the School's continued trust and confidence in the employee has been destroyed as a result, dismissal may be without notice or payment in lieu of notice.

Disabilities

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to an employee's working arrangements, including changing their duties or providing additional equipment or training. The School may also consider making adjustments to this procedure in appropriate cases.

If an employee wishes to discuss this or inform the School of any medical condition that they consider relevant, they should contact the Head of HR and Compliance.

Long-term Sickness Absence

Where an employee's underperformance is as a result of long-term sickness absence, the School will always seek medical advice prior to making a decision about their ongoing employment. The School will also consider whether there are any reasonable adjustments which can be made to assist the employee to perform their role.

In cases where the School has concerns about the employee's long-term ability to perform their job as a result of health grounds, the School will normally move to the dismissal stage without prior warnings.

Relationship with Disciplinary Procedure

The Capability Procedure is not intended to apply to cases where poor performance results directly from misconduct, in which case the Disciplinary Procedure should normally apply. It may not, however, always be immediately clear whether poor performance results from misconduct or capability and the procedures may, initially, be run in parallel whilst the concerns are being investigated.

Employees may be dismissed following exhaustion of the formal Capability Procedure and have no separate right to have the Disciplinary Procedure followed prior to dismissal, and vice versa.

Live warnings issued under the Disciplinary Procedure may, if appropriate, be taken into consideration when considering the level of warning to be given under the Capability Procedure, and vice versa.

Record-keeping

If an employee's performance shortfall or failure is dealt with under the formal Capability Procedure, a record will be kept of the shortfall or failure, any defence or mitigation, minutes of the capability meeting, the action taken and reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records are confidential and will be retained on the employee's personnel file in accordance with the prevailing data protection legislation, the School's Privacy Notice and policies and procedures on data retention.

3. GRIEVANCE PROCEDURE

Should you at any time have a grievance connected with your employment it will be our intention to consider and resolve it at the earliest opportunity and to the satisfaction of all concerned wherever possible. The procedure is not contractual but applies to all employees who should familiarise themselves with its provisions. All stages of this process will be dealt with without unreasonable delay.

This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If you are dissatisfied with any disciplinary action, you should submit an appeal under the Disciplinary Procedure.

We operate a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, where you are directly affected by the matter in question, or where you feel you have been victimised for an act of whistleblowing, you may raise the matter under the Grievance Procedure.

Process

Informal

Should you have a grievance with any aspect of your employment you should raise it initially with your line manager and the matter will be discussed informally and resolved where possible. If you feel unable to speak to your manager, for example, because the complaint concerns them, then you should speak informally to a more senior manager or their Head of Department. If this does not resolve the issue, you should follow the formal procedure set out below.

Formal

If a grievance cannot be resolved informally or you consider you have not been fairly treated, you may raise your grievance in writing to the Head or Head of HR and Compliance and it will be treated as a formal grievance. If the grievance concerns the Head of HR and Compliance, the matter should be referred to the Head. If the grievance concerns the Head, the matter should be referred to the Chair of Governors in the first instance.

The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations, we may ask you to provide further information so that we can investigate the grievance properly.

Once you raise a formal grievance, a meeting will be arranged as soon as possible. At the meeting you will have the opportunity to explain your grievance and how you think it may be resolved. Depending on the circumstances, the meeting may be adjourned for an investigation to take place. The amount of any investigation required will depend on the nature of the allegations and will vary according to the circumstances. Where the matter needs to be investigated and/or the meeting adjourned, you will be given an indication of the likely timescale for receiving a response.

At the meeting, you may be accompanied by a colleague or trade union representative of your choice. You must tell the person holding the grievance meeting who your chosen companion is, in good time before the meeting. At the meeting, a companion may make representations and ask questions, but should not answer questions on your behalf. Acting as a companion is voluntary and colleagues are under no obligation to do so. You will be informed in writing of the outcome of the grievance and the reasons for the decision. If any action is to be taken as a result of the grievance, you will, where possible, be informed.

The decision will be issued as soon as possible following the conclusion of the meeting. Where the matter needs to be investigated and/or the meeting adjourned, you will be given an indication of the likely timescale for receiving a response.

Appeal

If you feel that your grievance is not satisfactorily resolved, or you feel unfairly treated, you may, within five working days of the written decision, appeal in writing to the Head of HR and Compliance, or to the Head if the Head of HR and Compliance has dealt with your grievance.

An appeal hearing will be convened as soon as is reasonably practicable, and will be heard by either the Head, Deputy Head, a Governor or a panel of up to three Governors.

At the appeal hearing, you may be accompanied by a colleague or a trade union representative of your choice.

Whenever possible, a decision of the appeal and the reasons for it will be given within ten working days of the hearing. This decision will be given in writing and will be final.

Record-keeping

Written grievances will be placed on your personnel file along with a record of any decisions taken and any notes or other documents compiled during the grievance process. These will be retained in accordance with our Privacy Notice and policies and procedures on data retention.