

Disciplinary Procedure – Monkton Wyld School

We expect all community members and tenants to meet high standards of conduct. Minor departures from our standards may be dealt with informally via the community's conflict resolution policy to avoid the need to engage this procedure. Nevertheless, we recognise that there will be occasions when informal action is not appropriate, and in such cases The Board of Trustees will be notified and this Policy will be implemented. This Policy will not usually be applied in the first 6 months during the voluntary period.

This Policy does not form part of your community or tenancy agreement and may be altered or amended at the absolute discretion of The Board of Trustees. We may start this procedure at any stage.

For disciplinary and grievance issues we may, at our absolute discretion, use an external third party to carry out any part or parts of this procedure.

Procedure

- **Investigation**
 - o An investigation may be undertaken prior to any disciplinary action
 - o You must fully co-operate with any investigation
 - o If you are invited to an investigation meeting, there is no right to be accompanied.

- **Suspension**
 - o If appropriate, we may suspend you from taking part in any community meetings or from entering any of the community's communal areas. If you are suspended, your community or tenancy agreement will remain in force, but you will not be entitled to access any communal areas, except at our prior request, or with our prior consent, and subject to such conditions that we may impose.

- **Disciplinary hearing**
 - o If it is decided that there is a disciplinary case to answer, you will be informed of this, normally in writing
 - o You will be invited to attend a disciplinary hearing
 - o You are entitled to be accompanied to a disciplinary hearing by a community companion or a trade union representative
 - o You will be given the opportunity to state your case before any decision is made
 - o The chair of the hearing may decide the issue at the hearing or adjourn the hearing to consider their findings
 - o You will be informed of the decision. This will normally be in writing.

- **Appeals**

- o If you are dissatisfied with the outcome of the disciplinary hearing you may appeal. If you wish to appeal you must do so within five days of the date of the outcome letter (or where no letter is issued, the date you are informed of the decision)
- o An appeal should be in writing and must set out the grounds for your appeal along with any accompanying documentation
- o At an appeal hearing, you are entitled to be accompanied by either a community companion or a trade union representative
- o The outcome of the appeal will be conveyed to you, normally in writing. The appeal decision will be

- **Misconduct**

Examples of misconduct are:

- o Occasional and minor anti-social behaviour
- o Minor breaches of the community's rules
- o Minor failure to observe our procedures.

These examples are not exhaustive or exclusive. Offences of a similar nature will also be dealt with under this procedure. Misconduct, short of gross misconduct, will, depending on severity, normally result in a written warning. This would normally last for six months. If it is a final written warning, this would normally last for 12 months.

- **Gross Misconduct**

Examples of gross misconduct are:

- o Theft, fraud and bribery (giving and receiving)
- o Falsification of records
- o Breaches of confidentiality or trust
- o Fighting or assault
- o Failure to obey a reasonable request by The Board of Trustees
- o Deliberate or reckless acts of damaging School or community property or property of another person
- o Serious breaches of Monkton Wyld School policies or procedures

- o Bringing yourself or the Charity into disrepute
- o Acting in a manner which undermines the trust and confidence in the relationship between yourself and The Board of Trustees
- o Bullying, victimisation and/or harassment towards a community member, a trustee, or an external representative of another organisation
- o Acts of verbal abuse and/or acts of violence or threats of violence towards either a community member, a trustee or representative of another organisation
- o Negligence or incompetence that causes loss, damage or injury, or a serious risk of injury
- o Breaches of health and safety regulations

These examples are not exhaustive or exclusive and offences of a similar nature may be dealt with as gross misconduct. Gross Misconduct will normally result in a request to leave Monkton Wyld Community and/or the termination of your tenancy agreement if you are a tenant.

Bullying and Harassment

The Board of Trustees actively encourages an environment in which everyone is entitled to live and work without harassment, victimisation and bullying.

Harassment may be described broadly as "unwanted conduct affecting the dignity of men and women". Where a particular form of conduct has the effect of making a person feel humiliated, threatened or that their Privacy is being invaded, then that conduct will constitute harassment and should cease immediately.

We will not condone harassment and the procedure for dealing with complaints is set out below.

The Policy applies to the conduct of community members and tenants at all times.

All community members and tenants have a responsibility for complying with this Policy and treating everyone with dignity and respect. If you believe that you have been subject to, or witnessed harassment, victimisation or bullying, you must inform The Board of Trustees so that we can keep Monkton Wyld School from unacceptable behaviour.

The procedure for dealing with cases of harassment is set out below:

If you believe you are being subjected to any harassment then, in the first instance you should ask the offender to stop or make it clear that such attention is unwelcome. If necessary, ask a friend or community member to help you do this.

Such an informal approach may be all that is needed, but you should make a note of the details and keep them.

If your request is ignored and the harassment continues, or you feel unable to make the informal approach, please contact The Board of Trustees immediately. Details will be taken and should be confirmed in writing by the victim. This constitutes a formal complaint.

Either a Trustee nominated by the Trustee who took the complaint, or an independent consultant, will investigate the complaint. Allegations will be dealt with seriously and confidentially and there will be no victimisation of any person making, or being involved in, a complaint.

In cases of serious alleged harassment, any community member directly involved may be suspended from the community pending investigation.

If the harassment has taken place, then the accused will be dealt with in accordance with the disciplinary procedures.

It is hoped that the implementation of this Policy will ensure that all our community members live and work in an atmosphere of mutual trust, dignity and respect.

Appeal procedure

If you are asked to leave the community because you have breached acceptable standards of conduct and behaviour, you have the right of appeal against this decision. Your appeal should be in writing and sent to the nominated individual within five working days of the decision and state the reasons for your appeal. The decision from the appeal hearing will be final.