Estyn

Rhagoriaeth i bawb ~ Excellence for all

Arolygiaeth Ei Mawrhydi dros Addysg
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate
for Education and Training in Wales

# Estyn's Discipline Policy

Iechyd ar Waith
CYRRAEDD Y NOD
THE CORPORATE STANDARD
Health at Work

INVESTORS IN PEOPLE | BUDDSODDWYR MEWN POBL

SAFON AMGYLCHEDDOL Y DDRAIG WERDD
GREEN DRAGON ENVIRONMENTAL STANDARD

## Information sheet

Information box

For further advice contact: Human Resources Team

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**Version control**

| Version | Author | Date of issue | Changes made |
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| 3.0 | Meurig Chapple | October 2010 | Agreed version following consultation |

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This and other Estyn publications are available on our website: www.estyn.gov.uk

**This document has been translated by Trosol (English to Welsh)**

**Equality Impact Assessment**

An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of race, disability, gender, sexual orientation, belief, age, language or Human Rights

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## Introduction

### Purpose of policy

1 The aim of this policy is to:

a. increase awareness of our cultural values and the levels of conduct expected of Estyn staff;
b. help and encourage all employees to achieve and to maintain the required standards of conduct; and
c. ensure that Estyn is objective, reasonable and consistent in its approach to dealing with employee conduct and discipline;
d. enable any conduct or disciplinary issues to be dealt with as fairly as possible.

### Scope of Policy

2 This policy will be followed should the conduct of any member of staff fall below the standards expected in Estyn and expected of the Civil Service and its core values.

3 The conduct and cultural values we expect of our staff are set out in Strategic Plan[1], Staff Handbook[2], and various other guidance books, policies, practices etc; our values are:

i. to keep learners and citizens at the centre of our work;
ii. to act with openness, integrity and objectivity, demonstrating the highest standards of public service;
iii. to work in partnership with others, whilst maintaining our independence;
iv. to demonstrate effective leadership and teamwork at all levels;
v. to value people and the contributions they make;
vi. to encourage responsibility, initiative and innovation; and
vii. to foster an engaging and healthy working environment.

4 The conduct expected of all civil servants is set out in the Civil Service Code (reproduced at Appendix 1).

5 This policy applies to all permanent staff regardless of gender, race, ethnic background, sexual orientation, age, marital status, disability, religion and beliefs, family or domestic responsibilities, or working patterns.

6 Although this policy does not apply to secondees or temporary staff, Estyn expects such appointees to act in accordance with the conduct and cultural values set out in various handbooks, guidance and plans. Non-compliance with

[1] Estyn Strategic Plan 2010-13
[2] Transforming Estyn. Staff Handbook Winter 2009-10.

such guidance could result in appointments being terminated and disciplinary action being taken by their employer. Appointees may also be asked to participate in a disciplinary procedure within Estyn, as a witness for example.

7 Estyn reserves the right to amend or withdraw this policy from time to time, for example to take into account changes in the law (specifically in relation to the applicability of the statutory dismissal and disciplinary procedure); best practice and/or business requirement following consultation with staff and their representatives.

8 In cases of ***under-performance*** *and* ***attendance***, line managers and staff should follow the procedures set out in Estyn's ***Underperformance Policy*** and in Estyn's ***Managing Attendance Policy***.

## Principles

9 The principles of this policy (and its accompanying procedure) are based on guidance contained in "*Disciplinary and Grievance at work: The Acas Guide":*

a. the policy (and the associated procedures) will be used as stated in most cases, but it may be necessary to vary the procedure applied to any individual case to take account of specific or unusual circumstances;
b. all discipline matters will be dealt with in strictest confidence by all parties, but this will not preclude Estyn or any employee subject to disciplinary action from taking steps that are reasonable and appropriate in order to prepare their case;
c. incidences of minor misconduct will be dealt with informally before moving to the formal procedure;
d. at each stage of the process, judgements will only be made on the basis of the facts and no disciplinary action will be taken until a full investigation of the facts has taken place;
e. members of staff will be advised in writing of the nature of the disciplinary issue and the arrangements for a meeting to consider the matter;
f. members of staff have the right to be accompanied to formal disciplinary meetings by a fellow employee or Trade Union official;
g. members of staff will not be dismissed for a first breach of discipline, except in the case of gross misconduct, when the sanction will normally be dismissal without notice and without pay in lieu of notice; and
h. members of staff have a right to appeal against any formal disciplinary sanction imposed upon them.

10 This policy is not meant to be contractually binding.

## Appendix 1: Civil Service Code

### Civil Service values

1. The Civil Service is an integral and key part of the government of the United Kingdom[3]. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers, who in turn are accountable to Parliament[4].

2. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:

- 'integrity' is putting the obligations of public service above your own personal interests;
- 'honesty' is being truthful and open;
- 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence; and
- 'impartiality' is acting solely according to the merits of the case and serving equally well Governments of different political persuasions.

3. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, Parliament, the public and its customers.

4. This Code[5] sets out the standards of behaviour expected of you and all other civil servants. These are based on the core values. Individual departments may also have their own separate mission and values statements based on the core values, including the standards of behaviour expected of you when you deal with your colleagues.

### Standards of behaviour

#### *Integrity*

5. You must:

- fulfil your duties and obligations responsibly;

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[3] This Code applies to all Home civil servants. Those working in the Scottish Executive and the National Assembly for Wales, and their Agencies, have their own versions of the Code. Similar Codes apply to the Northern Ireland Civil Service and the Diplomatic Service.

[4] Constitutionally, civil servants are servants of the Crown. The Crown's executive powers are exercised by the Government.

[5] The respective responsibilities placed on Ministers and special advisers in relation to the Civil Service are set out in their Codes of Conduct: www.cabinetoffice.gov.uk/propriety_and_ethics.

- always act in a way that is professional[6] and that deserves and retains the confidence of all those with whom you have dealings;
- make sure public money and other resources are used properly and efficiently;
- deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- handle information as openly as possible within the legal framework; and
- comply with the law and uphold the administration of justice.

6. You must not:

- misuse your official position, for example by using information acquired in the course of your official duties to further your private interests or those of others;
- accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity; or
- disclose official information without authority. This duty continues to apply after you leave the Civil Service.

***Honesty***

7. You must:

- set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and
- use resources only for the authorised public purposes for which they are provided.

8. You must not:

- deceive or knowingly mislead Ministers, Parliament or others; or
- be influenced by improper pressures from others or the prospect of personal gain.

***Objectivity***

9. You must:

- provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts;
- take decisions on the merits of the case; and
- take due account of expert and professional advice.

10. You must not:

[6] Including taking account of ethical standards governing particular professions.

- ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
- frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.

***Impartiality***

11. You must:

- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

12. You must not:

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

***Political Impartiality***

13. You must:

- serve the Government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
- comply with any restrictions that have been laid down on your political activities.

14. You must not:

- act in a way that is determined by party political considerations, or use official resources for party political purposes; or
- allow your personal political views to determine any advice you give or your actions.

**Rights and responsibilities**

15. Your department or agency has a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this Code, your department or agency must consider your concern, and make sure that you are not penalised for raising it.

16. If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this

difficult, you should raise the matter with your department's nominated officers who have been appointed to advise staff on the Code.

17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your nominated officer. You should report evidence of criminal or unlawful activity to the police or other appropriate authorities.

18. If you have raised a matter covered in paragraphs 15 to 17, in accordance with the relevant procedures[7], and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commissioners[8]. The Commissioners will also consider taking a complaint direct. Their address is:

3rd Floor
35 Great Smith Street
London
SW1P 3BQ.

Tel: 020 7276 2613
email: ocsc@civilservicecommissioners.gov.uk

If the matter cannot be resolved using the procedures set out above, and you feel you cannot carry out the instructions you have been given, you will have to resign from the Civil Service.

19. This Code is part of the contractual relationship between you and your employer. It sets out the high standards of behaviour expected of you which follow from your position in public and national life as a civil servant. You can take pride in living up to these values.

June 2006

[7]The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Directory of Civil Service Guidance gives more information: www.cabinetoffice.gov.uk/propriety_and_ethics.

[8]The Civil Service Commissioners' Appeals leaflet gives more information: www.civilservicecommissioners.gov.uk. This Code does not cover HR management issues.

| Policy agreement form |
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**Estyn's Conduct and Discipline Policy**

**This policy and its associated procedures are agreed by Estyn's management and Trades Unions**

| Signed on behalf of Estyn's management: |
| --- |
| Name: Head of Directorate |
| Date: |

| Signed on behalf of Estyn's Trades Unions: |
| --- |
| Names: |
| Date: |