



NEWTON  
COLLEGE



International  
Schools  
Partnership

# **DISCIPLINARY POLICY**

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## **Disciplinary Procedure**

It is ISP's expectation that employees will adhere to the required standards of conduct, performance and attendance. Employees who fail to perform satisfactorily in these respects will, whenever reasonably practicable, be given advice, guidance, support and training as appropriate with a view to improvement before disciplinary action is taken.

### **Disciplinary Rules**

The Company's disciplinary rules are given to all employees for general guidance. The rules may be amended from time to time and they will be supplemented by more specific guidance where this is necessary, for example, in relation to health and safety at work. The list of matters liable to lead to disciplinary action or to summary dismissal is not exhaustive and matters similar in kind to those listed may also result in disciplinary action or summary dismissal.

As set forth in the corresponding Collective Bargaining Agreement, disciplinary actions are divided into 'misdemeanour', 'serious misconduct' and 'gross misconduct':

Misdemeanours include:

- Being late to work without justification three times within a period of thirty days.
- Early termination of lessons without reasonable cause twice within the period of thirty days.
- In cases of justified absence, such as sickness, etc., when the employee does not file the requested form to the Social Security Authority, unless s/he is unable to do so because of his/her circumstances.
- Not providing students with their grades in a timely manner, not applying the necessary controls, not applying the disciplinary rules for students.

Serious Misconduct includes:

- Being late to work without justification more than three, but fewer than ten times within a period of thirty days.
- More than one, but fewer than three unauthorised absences within the period of ninety days.
- Poor job performance including unacceptable quality of work, excessive errors or carelessness, passivity and disinterest in teaching.
- Publically denigrating colleagues.
- Denigration of students and/or their families.
- Repetition of a misdemeanour within a period of sixty days.

Gross Misconduct includes:

- Being late to work without justification more than nine times within a period of thirty days.
- More than two unauthorised absences within a period of ninety days.

- Unjustified lack of the teacher functions.
- Gross disrespect and abuse, whether orally or physically, against any member of the partnership.
- Repetition of a serious misconduct within a period of six months

Employees are reminded that their actions and behaviour in their private lives outside the workplace may give rise to disciplinary proceedings under this code, if their actions are incompatible with the standards and objectives of the Company and/or may bring the Company into disrepute.

Employees are also reminded that further situations are described in article 54 of the Statute of Workers, which may provoke the application of disciplinary sanctions, including dismissal.

### **Disciplinary Procedure**

The Disciplinary Procedure establishes a process by which breaches of disciplinary standards can be dealt with fairly and consistently. In applying the Procedure the Company will abide by the following principles:

- An employee who is alleged to have infringed Company rules or to have failed to satisfy expected standards of conduct will, at every stage of the procedure, be advised of the nature of the complaint.
- The employee may be accompanied at disciplinary hearings and appeal hearings by a fellow employee or a trade union representative.
- No employee will be dismissed for a first breach of discipline, except for an act of gross misconduct or pursuant to rulings set forth in the Statute of Workers (in case of employees governed by Spanish Regulation).
- An employee may be suspended on full pay pending an investigation into any disciplinary matter(s)
- The procedure may be initiated at any stage and any stage may be bypassed if the employee's performance, conduct or absence warrants such action. For employees governed by Spanish Regulation, the prescribed time periods shall be applicable according to article 60 of the Statute of Workers (misdemeanour: ten days; serious misconduct; twenty days; and gross misconduct 60 days, all of them since the Partnership is made aware of the misconduct).

Where an employee has already received a disciplinary warning then any further offence, whether or not it is of a different kind from that which led to the warning, may be dealt with at the next appropriate stage of the procedure.

### **Stage 1: Statement**

The Head of the school where the employee is employed will prepare a written statement to be given to the employee, setting out details of the employee's alleged conduct, performance or other circumstances which lead the Head to consider taking disciplinary action in respect of the employee.

A copy of the statement will be given to the employee, together with details of the hearing at which the matters will be considered.

Where the conduct alleged requires further investigation, the Head will make arrangements for the matters to be investigated by a senior person not directly responsible for the management or supervision of the employee. In some circumstances this may be a person from another establishment. When further investigation is required, the date of the hearing will be set to provide adequate time for the investigation to be completed. The employee has a duty to co-operate with the investigation. The investigator will prepare a written report of the findings, which will be given to the employee prior to the disciplinary hearing.

In some circumstances it will be appropriate for the employee to be suspended from duty while an investigation takes place. This would normally be the case where gross misconduct is alleged which would, if substantiated, lead to summary dismissal. Suspension is not in itself a sanction, and it does not imply a pre-judgement of guilt. It is invoked in order to protect both the employee and the Company from any suggestions that the conduct alleged is continuing during the course of the investigation. Once an employee is suspended, the suspension will continue up to the end of the disciplinary procedure.

### **Stage 2: The Hearing:**

The disciplinary hearing will be arranged to take place as soon as reasonably convenient. The employee must have the Stage 1 statement setting out the grounds for the proceedings and the report of the investigator (if any) a sufficient time in advance of the hearing for him to consider his/her response and seek external advice.

The employee has a duty to attend the hearing, and may be accompanied by a work representative or union representative, in the case that the disciplinary process may imply dismissal. The employee may at any time ask for the time and date of the hearing to be altered, and such a request will not be refused unreasonably.

The person conducting the hearing will consider all the information put before the hearing, including the findings of an investigation and any statements by the employee in rebuttal or mitigation. At the conclusion of the hearing the employee will be informed of the outcome as soon as possible and if there is to be a sanction imposed, what that sanction will be. The employee will also be informed of the right of appeal if s/he is not satisfied with it. This information will be confirmed in writing within five days.

### **Stage 3: The Appeal:**

If the employee does wish to appeal, written notice of the appeal must be given in writing to the ISP Chairman within five days of being given the written conclusions of the disciplinary hearing. On receipt of such a notice, an appeal hearing will be convened at the earliest mutually convenient time. The employee has a duty to attend the appeal hearing, and may be accompanied by a work representative or union representative, in the case that the disciplinary process may imply dismissal. The employee may at any time ask for the time and date of the hearing to be altered, and such a request will not be refused unreasonably.

The appeal hearing will be held by the Chairman or his nominated representative. The decision reached at the appeal hearing will be final, and will be communicated to the employee in writing. In the case of the dismissal of a Head the matter will also be final.

## **Sanctions**

Where it is necessary to invoke disciplinary action the following sanctions may be applied after a disciplinary hearing:

### **Sanctions and Penalties:**

Sanctions applicable to Misdemeanour: oral reprimand; in case of repetition, reprimand will be in writing.

Sanctions applicable to Serious Misconduct: written reprimand, with report sent to Union representative or work representative; in case of repetition, suspension without pay and record in the employee's file.

Sanctions applicable to Gross Misconduct: suspension without pay from 17 to 30 days or dismissal.

*Dismissal:* Dismissal will normally result in the following circumstances:

- In the case of gross misconduct and/or gross negligence.
- Where performance or conduct is unsatisfactory and disciplinary action has already been invoked.

The decision to dismiss will be taken by the Head; such a decision cannot be delegated to other members of the senior management team. Where a disciplinary hearing is chaired by someone other than the Head, a decision that dismissal is the appropriate outcome will be a recommendation to the Head.

The employee will be provided (within five working days of the disciplinary hearing) with the written reasons for dismissal, the date on which employment will terminate and details of the right of appeal.

## **Contents of Warnings**

Every verbal or written warning will contain clear references to the following matters:

- A short description of the nature of the offence.
- The action required by the employee in order to improve conduct, performance and/or attendance.
- The nature of the disciplinary sanction imposed.
- The likely consequences of further offences of whatever kind.
- The right of appeal and details relating to the appeals process.

## **Records of Warnings**

Copies of warnings will be kept on file and will be given to the employee. Notes of verbal warnings or copies of written warnings will normally be disregarded for disciplinary purposes after twelve months have elapsed, subject to satisfactory conduct and performance during that time. However, there are occasions when the misconduct or negligence is so serious that (although not warranting dismissal) it cannot realistically be disregarded for future disciplinary purposes. In such circumstances a final written warning can never be ignored and any recurrence or any further offence is likely to lead to dismissal.

## **Review and Amendment of Procedure**

This procedure may be reviewed by the Company in the light of relevant developments in legislation and employment relations practice.

## **Interpretation**

In this policy the term “senior manager” means a School Principal, Head and their designated deputies.

This policy applies in all Schools and other work environments within the Partnership.

This policy applies within all companies, which are wholly owned subsidiaries of International Schools Partnership Services Limited, a company registered in England, registered number 08652527, and the terms “Partnership” and “Company” should be interpreted accordingly, dependent on the employing company.

The registered office of all companies is One Fleet Place, London, EC4M 7WS. Any enquiries regarding the application of this policy should be addressed to the Director of Operations at 33 Cavendish Square, London, W1G 0PW.