

Disciplinary Procedure

This policy is effective in a/c

6.	Criminal charges	5
7.	Suspension.....	6
8.	Disciplinary hearing	7
9.	Role of Companion at Meetings and Hearings.....	7
10.	Procedure at disciplinary hearings	8
11.	Disciplinary penalties.....	8
	11.4. First written warning	9
	11.5. Final written warning	9
	11.6. The duration 5.....Td(T)-3.1 (h)2.2 (e)-3 (d)2.3 (u)2.3 (rat)-3 (i)10.6 (o)-6.6 (n)2.2 (5.....Td(T)-3.1 (h)	

- 2.2. This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases reference should be made to the appropriate policy or procedure.
- 2.3. Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, an agreed note of any such informal discussions may be placed on the employee's personnel file. Where parties are not in agreement, notes from all parties will be retained. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 2.4. Employees will not normally be dismissed for a first act of misconduct, unless the Trust decides that the conduct amount(s)6.5 (c)-3.3 (d08. g)-6 (r).3 (d08.)-6 (s)-4.3 (s)-4.(all)1.5 (m)-9.4 (i)-3.3 (s)-4

individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Staff Privacy Notice, our Data Retention Policy and in line with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

4. Allegations

- 4.1. Allegations may be brought to the Trust's attention in a number of ways and through a variety of sources. Appendix 1 sets out the disciplinary rules. As with disclosures made by children and young people, adults need to be aware that in making an allegation or raising a concern it is not always possible to keep the matter confidential. The Principal will need to decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation does not want them to.
- 4.2. Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Designated Officer of the Local Authority. See the Allegations of Abuse Against Staff Policy for further guidance on the management of this type of allegation. No further action under this procedure will usually be taken until the Local Authority Designated Officer (LADO) has been consulted.

5. Investigations

5.1. Fact finding

- 5.1.1. Upon receiving any allegations against employees, it is likely that further information will be required to establish what the next course of action should be. The Principal, or a delegated representative, should seek to establish the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.
- 5.1.2. A preliminary fact finding meeting may be held with the employee to establish the basic facts of the circumstance and to enable the Principal, or a delegated

responsible for the management of the procedure and determining an appropriate Investigating Officer, either internally or externally.

- 5.2.2. The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations made against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents and other information.
- 5.2.3. It may be necessary to interview witnesses who may have information that is relevant to the allegations. A record of the meeting will be made and the witness will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record. The Trust recognises that some employees may find this difficult or worrying, however all employees are expected to fully participate in any such investigation.
- 5.2.4. Investigation meetings are solely for the purpose of fact-finding and no decision on formal disciplinary action will be taken until after a disciplinary hearing has been held. A record of the meeting will be made and the employee will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record.
- 5.2.5. Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information and attending investigative interviews if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.

6. Criminal charges

- 6.1. Where conduct is the subject of a criminal investigation, arrest, charge or conviction the facts will be investigated before deciding whether to take formal disciplinary action.

agencies as appropriate following advice from the Local Authority Designated Officer (LADO).

7. Suspension

- 7.1. In some circumstances it may be necessary to suspend the employee from work, in particular where there are either reasonable grounds to suspect a member of staff, child or other children within the Trust are at risk of harm or the case is so serious that it might be grounds for dismissal. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process. The arrangements and the reasons for suspension will be confirmed to the employee in writing as soon as possible or within one working day if in relation to a safeguarding concern or allegation.
- 7.2. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Employees will continue to receive normal salary and benefits during the period of suspension and be provided with an appropriate named contact within Trust who will provide welfare support.
- 7.3. Alternatives to suspension, for example re-organisation of duties, work location, temporary redeployment to another role will be explored where relevant before a decision to suspend is made. The Trust will be as inventive as possible when considering alternative options to suspension. The nature and severity of the allegations will be considered as well as the employee's role and if their continued presence would result in potential harm to the organisation or others, or make it difficult to investigate.
- 7.4. Where allegations are made that involve the protection of children, suspension will not be considered to be automatic. A reasoned decision will be made based on all available information in consultation with the Local Authority Designated Officer (LADO), including the views of the police and social care, where applicable. Additional information on the management of these allegations is available in the Allegations Policy.
- 7.5. The suspension will be kept under review as the investigation progresses. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.
- 7.6. The Trust will not prevent social contact with work colleagues and friends during the suspension unless there is evidence to suggest this may prejudice the gathering of evidence.
- 7.7. In exceptional circumstances there may be the need for the member of staff to visit the school site. Where this is the case, it will be discussed and agreed in advance with the Principal e.g. a parent working at the school needs to pick up/drop off.
- 7.8. A recommendation to suspend a member of staff will be made to the Trust Chief Executive Officer (CEO) by an Academy Principal. The CEO will make the decision to proceed with the recommendation or not.
- 7.9. The Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead the Trust will cease to use the services of that member of agency staff or self-employed contractor but not without first finding out the facts and liaising with the LADO to determine a suitable outcome. Further information can be found in the Allegations Policy.

8. Disciplinary hearing

8.1.

long as the alternative time is reasonable and within five working days after the original

11.4. First written warning

11.4.1. A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.

11.4.2. A first written warning will remain active for six months.

11.5. Final written warning

11.5.1. A final written warning will usually be appropriate for:

11.5.1.1. misconduct where there is already an active written warning on the employee's record; or

11.5.1.2. misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.

11.5.2. A final written warning will usually remain active for 12 months however, in very serious matters a final written warning may be given a period longer than 12 months but no more than 24 months.

11.6. The duration and effect of a warning

11.6.1. Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

11.6.2. Warnings may be live for a longer period than specified above depending on the seriousness of the misconduct and the wider circumstances of the case. The conduct will be reviewed at the end of a warning's active period.

11.7. Dismissal

11.7.1. Dismissal will usually only be appropriate for:

11.7.1.1. further misconduct where there is an active final written warning on the record; or

11.7.1.2. any gross misconduct regardless of whether there are active warnings on the record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

11.8. Alternatives to dismissal

11.8.1. At our discretion, in some cases alternatives to dismissal may be considered, and will usually be accompanied by a written warning. (v)-e[0.0 8o8 0 Tw 3.53a 4 (n)-0.7 (s)6.6 (o)14 (re)-3.6 (o)-9.6 (is)-1. (d

12. Appeals against disciplinary action

- 12.1. The employee has the right to appeal against the disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the Principal within 10 working days of the date on which the employee was informed of the decision.
- 12.2. If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful they will be reinstated with no loss of continuity or pay.
- 12.3. If any new matters are raised in the appeal hearing further investigation may need to be carried out. The Chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.
- 12.4. The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be no less than 10 working days. The employee may bring a companion to the appeal hearing (see paragraph 9).
- 12.5. Where possible, the appeal hearing will be conducted by a different panel of

- 14.1. The Trust will always put the effective education of our children at the heart of any decision that we make. In doing so, we recognise that the requirement to adhere to policies and procedures may be time consuming and can impact on workload. For this reason the Trust and its Academies will always endeavour to support staff when policies and procedures are being actioned.

15. Review of this policy

- 15.1. This policy is reviewed annually, or sooner if required by new or statutory legislation, by the Trust Board in consultation with the recognised trade unions. The Trust

Appendix 1 - Disciplinary rules

1. Policy statement

- 1.1. The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which the Principal and line managers can work with staff to maintain those standards and encourage improvement where necessary.
- 1.2. If any employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their line manager.

- 3.1.4. Poor timekeeping or time wasting
- 3.1.5. Unauthorised absence from work
- 3.1.6. Refusal to follow instructions
- 3.1.7. Excessive use of the Trust's telephones, email or internet usage for personal reasons
- 3.1.8. Inappropriate or other offences over which the Trust has jurisdiction

- 4.2.10. Deliberately accessing internet sites at work or at home, using School equipment, which contain pornographic, offensive or obscene material
- 4.2.11. Repeated or serious failure to obey instructions, or any other serious act of insubordination
- 4.2.12. Bringing the Trust into serious disrepute
- 4.2.13. Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling your duties because of the effects of alcohol or illegal drugs or other substances
- 4.2.14. Causing loss, damage or injury through serious negligence
- 4.2.15. Serious or repeated breach of health and safety rules or serious misuse of safety equipment
- 4.2.16. Unauthorised access, use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- 4.2.17. Acceptance of bribes or other secret payments
- 4.2.18. Conviction or caution for a criminal offence that in the opinion of the Trust may affect our reputation or our relationships with our staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for us
- 4.2.19. Possession, use, supply or attempted supply of illegal drugs
- 4.2.20.

- 4.2.29. Undertaking unauthorised paid or unpaid employment during your working hours
 - 4.2.30. Unauthorised entry into an area of the premises to which access is prohibited
 - 4.2.31. Making covert recordings of colleagues or managers
- 4.3. This list is intended as a guide and is not exhaustive.
- 4.4. In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.

Appendix 2 - Format for disciplinary hearing

1. Welcome by chair of panel/hearing officer:
 - ask everyone present to introduce themselves and explain their role
 - explain purpose of hearing
2. Presentation of management case by investigating officer including evidence from management witnesses
3. Questions from employee/representative to investigating officer/witnesses
4. Questions from the hearing officer/panel to the investigating officer/witnesses
5. Presentation of employee's case by employee/representative including evidence from employee's witnesses
6. Questions to employee/witnesses from investigating officer