

Drapers' Multi-Academy
Trust

DISCIPLINARY POLICY

Version 1

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1. POLICY STATEMENT

The Multi Academy Trust (MAT) Board, along with the Local Governing Body of each school are required to promote good employee relations and to ensure that at all times employees are treated in a fair and reasonable manner. The Principal of each school is committed to managing the school in such a way that will maintain and develop the ethos and culture which is conducive to building a positive and supportive environment for teaching and learning. The conduct and discipline of all the employees who work in the MAT's schools is an important part of that culture and ethos.

The purpose of the disciplinary policy is to provide a transparent process so that if problems arise with a member of staff's conduct, schools can take a fair and reasonable course of informal and/or formal action to resolve issues and aid improvement. This policy has been designed to assist and encourage improvements in employee conduct, whilst providing an equitable method of dealing with cases of alleged unacceptable behaviour.

The Disciplinary Policy supports MAT schools' standards and rules (including the Code of Conduct) and is based upon principles of natural justice, fairness, equality, and reasonableness, as underpinned by legislation. The policy will also support Principals in the day-to-day running and management of their schools.

The procedure shall be applied with these principles in mind and may be implemented at any stage if the employee's alleged misconduct warrants such action.

No formal disciplinary action will be taken against an employee until the case has been fully investigated.

2. SCOPE

2.1 This policy will apply to all employees of the MAT and its schools.

2.2 This procedure does not apply to:

- a) agency staff, consultants, either freelance or employees of consultancy companies, peripatetic staff, secondees from other organisations, who will be neither employees of the governing body nor the local education authority, but subject to the HR policies and procedures of their own employer;
- b) other employees employed by local authorities, who will be subject to the corporate Disciplinary procedure.

2.3 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

2.4 This procedure should not be used where employment is terminated in circumstances other than serious discipline, such as:

- a) at the end of a predetermined limited or fixed term contract for which an employee has been specifically engaged;
- b) on the grounds of redundancy;
- c) where, following a period of probationary service, dismissal arises from unsuitability for confirmation of appointment;
- d) on the grounds of capability due to ill-health or poor performance.

2.5 The procedure will be subject to variation where:

- a) a disciplinary matter concerns an accredited representative of a recognised trade union. In such cases a higher level official of the relevant trade union will be consulted;
- b) an employee is disabled, when procedures may be varied to accommodate the nature of any disability to ensure fair process;
- c) a complaint is addressed under the terms of the MAT's Child Protection Guidelines, when those procedures may apply first and/or in conjunction with this procedure.

3. Disciplinary Rules and Standards of Conduct for School Based Staff

3.1 General

3.1.1 Disciplinary rules set standards of conduct at work and it is important that employees know what standards of conduct are expected of them so as not to undermine supervisory control and / or impair the effective exercise of the school's duties and responsibilities.

3.1.2 It is unlikely that any set of disciplinary rules can cover all circumstances that may arise and the examples detailed are not intended to be either exhaustive or exclusive. Moreover, the rules may vary according to particular circumstances. In drawing up the rules, the aim has been to specify, as clearly and concisely as possible, those necessary for the efficient and safe performance of work and for the maintenance of satisfactory relations between employees and the school.

3.1.3 The rules, which apply to employees within a school, give guidance on how various types of behaviour are to be treated, so that each individual is aware of the consequences of unsatisfactory conduct. Breaches of disciplinary rules will render employees liable to disciplinary action, but the form of disciplinary action taken will vary depending on:-

- a) the seriousness and nature of the offence;
- b) the employee's previous record;
- c) mitigating circumstances; and
- d) in some instances - the nature of the job, which can include the level of supervisory and management responsibility.

3.1.4 In considering individual offences, assessment of the question of degree is a key element in

deciding upon the action to be taken. Serious cases of general misconduct may amount to gross misconduct if they are of a nature that makes any further relationship and trust between the MAT and the employee concerned untenable. It is important to the understanding of disciplinary matters to appreciate, for example, that many misdemeanours, which would normally result in a warning, could in extreme circumstances warrant summary dismissal.

3.1.5 Examples of what may be considered as misconduct and gross misconduct are listed in this section. These lists are neither exclusive nor exhaustive, as there may be other actions of a similar level of seriousness that would be seen to constitute misconduct or gross misconduct.

3.1.6 There may be specific circumstances where conduct outside of work leads to management action being taken against an employee, or may make an employee's continued employment with the MAT unacceptable.

3.2 Examples of action which may merit informal or formal disciplinary action

3.2.1 Misconduct involves an employee breaking specific rules about behaviour or actions. It refers to a breach of the standards of conduct expected at work or in relation to employment with the MAT. There may be occasions when negligence, or 'failure to act', amounts to misconduct.

3.2.2 The following acts, or similar actions, will normally be regarded as being misconduct. However, it should be noted that the examples below may be considered to be gross misconduct in certain circumstances:

3.2.2.1 General Conduct

- Insubordination by word, act or demeanour.
- Failure to obey a lawful and reasonable instruction, including deliberate failure to observe any operational regulations and rules of the school.
- Abuse of authority in relation to a colleague or a member of the public.
- Rudeness towards, or conduct likely to cause harm or offence, to a parent, member of the public or a fellow employee.
- Refusal to comply with appropriate standards of appearance and / or personal hygiene acceptable to the management of the school.
- Failure to wear the appropriate uniform provided by the school.
- Behaviour at work likely to offend decency.
- Sleeping on duty.
- Dangerous or reckless behaviour involving risk of injury to other persons or oneself.
- Being under the influence of drugs, including alcohol, during working hours, so that performance of duties is detrimentally affected.
- Acceptance of gifts or gratuities (where an employee in a school is offered a gift or

- gratuity, this must be reported to the Principal). In this particular area, there needs to be a good deal of common sense and reasonableness and it will be left to the Principal's discretion in each case, having regard to all the circumstances. However, as an example, it is not expected that inexpensive promotional tokens (e.g. pencils, calendars etc.) would come within this category.
- Failure to hand lost property to an appropriate member of staff.
 - Conduct unbecoming of a school employee. Conduct prejudicial to the school's interest whether:-
 - a) committed at work; or
 - b) committed outside working hours, having regard to the nature of the offence, the duties of the employee's post and any damage to the reputation and integrity of the school.

3.2.2.2 Absences and Time keeping

- Unauthorised absence from duty.
- Failure to notify line manager of absence from duty, and reason therefore, including non-attendance at an approved course of training.
- Failure to provide a medical certificate as required by the appropriate sick leave procedures.
- Persistent lateness and/or absenteeism.

3.2.2.3 Neglect of Duty

- Failure to discharge obligations in accordance with a statute or contract of employment.
- Negligent or inadequate standards of work.
- Deliberately neglecting to carry out work duties, lack of attention to service requirements or not carrying out a legitimate instruction properly.

3.2.2.4 Health and Safety

- Failure to wear the appropriate protective clothing provided by the school or Local Education Authority for particular duties.
- Failure to comply with the accident reporting procedure(s).
- Failure to follow safety instructions, codes of practice and safety policy statements issued from time to time by the MAT.
- Failure to comply with hygiene requirements.
- Failure to adhere to the schools policy on smoking

3.2.2.5 Deliberate Misuse and Falsification of Information

- Failure to disclose a conviction for a criminal offence (unless under the terms of the

Rehabilitation of Offenders Act 1974 the conviction is “spent”) and the post is not exempt.

- Falsification of any information used in support of or pursuant to an application for a post with the school, including failure to disclose any known relationship with a Governor or senior member of the school’s staff.
- Making false and / or deliberately misleading statements, whether verbally or in writing, in respect of official business.
- Failing within a reasonable period of time to report any matter which it is a duty to report.
- Deliberate destruction or damage to any documents required for the purposes of the school.
- Unauthorised disclosure of confidential information relating to the business of the school, its employees, or the public with whom it has dealings.

3.2.2.6 Private Work

- Undertaking private work during hours when contracted to work for the school- this includes unpaid voluntary work, unless it has been approved. Engaging in employment, including self-employment, during off-duty hours when such employment conflicts with, or is detrimental to the interest of the school or in any way weakens public confidence in the conduct of the school. Private work which might involve any dealings with the school must be disclosed and can only be undertaken with the Principal’s approval.

3.2.2.7 Social Media

- Any communications made either during the course of employment or in a personal capacity through social media that may:
 - bring the organisation into disrepute, for example by:
 - criticising or arguing with parents, MAT directors, governors, colleagues or other stakeholders of the school;
 - making defamatory comments about the MAT, school, individuals or other organisations or groups; or
 - posting images that are inappropriate or links to inappropriate content;
 - breach confidentiality, for example by:
 - revealing information owned by the organisation;
 - giving away confidential information about an individual (such as a colleague, parent or child) or the school; or
 - discussing the school's internal workings (such as deals that it is doing with a customer/client or its future business plans that have not been communicated to the public);

While they may not be acting on behalf of the organisation, employees must be aware that they can cause damage to the school if they are recognised as being one of our employees.

3.3 Examples of action which may be considered Gross Misconduct

3.3.1 Some offences may, if substantiated, be treated as gross misconduct, and in such cases dismissal without notice is the appropriate form of disciplinary action.

3.3.2 Gross misconduct is defined as misconduct of such a nature that the school is justified in no longer tolerating the continued presence at work of the employee who commits such an offence. Having regard to the nature of the offence, the duties of the employee's post, and any damage to the reputation and integrity of the school, gross misconduct can include acts committed outside working hours as well as those committed at work.

3.3.3 The following are types of offence which may be deemed gross misconduct and lead to summary dismissal without any previous written or verbal warnings having been given.

3.3.3.1 Dishonesty & Theft

- Improper use of an employee's position for private gain or the private gain of some other person, including soliciting or accepting bribes.
- Misrepresentation as to status, qualification, experience and health.
- Deliberate falsification of time sheets, bonus sheets, claim forms, sickness self-certification forms, etc.
- Theft or misappropriation of, or malicious damage to, property of school, parents, pupils or other employees.
- Theft or misappropriation of school materials or equipment.
- Serious misuse of the School's property or name.

3.3.3.2 Serious Misconduct

- Serious acts of insubordination and gross incompetence.
- Fighting with, or physical and/or verbal abuse of, fellow employees, supervisors or members of the public, including maltreatment of pupils of the school or educational establishment.
- Non-compliance with a safety code such as to endanger life or cause injury.
- Any other criminal offences undertaken outside of work, which may affect suitability for continued employment at the school. Examples might be: housing benefit or unemployment benefit fraud; drug offences and violent disorder.
- Failure to follow the rules of suspension set out in section 7 of this procedure.
- Deliberate and unauthorised disclosure of highly confidential matters relating to the business of the MAT.
- Deliberate bullying or intimidation, including unlawful discrimination against other

- employees or members of the public (e.g. via social media).
- Physical violence, whether actual or threatened.

3.3.3.3 Sexual Offences & Misconduct

- Sexual offences and /or sexual misconduct, including inappropriate relationships, sexual relationships, conduct or contact with pupils.

3.3.3.4 Absence

- Absence from work for more than ten days, which has not been authorised, and where the employee does not contact the school.
- Undertaking unauthorised paid employment during a period of sick leave, whether paid or unpaid by the School.
- Carrying out any activity whilst on sick leave, which is not consistent with the reasons for sickness absence or which may not be conducive to rapid recovery and the earliest return to work
- Being seriously incapable of work because of alcohol use or dependency or the abuse of drugs or drug addiction. Please refer also to the MAT's policy on Alcohol and Drugs.

3.3.3.5 Discrimination

- Serious acts of discrimination, harassment, bullying, the making of remarks, or verbal abuse against employees, pupils, members of the public on the grounds of race, ethnic origin, religion, nationality, colour, sex, sexual orientation, marital status or disability.

3.3.3.6 Improper Use of Equipment etc.

- Unauthorised or inappropriate use of school vehicles, whether during or outside the working day.
- Unauthorised or inappropriate use of any school equipment and / or facilities for private purposes.
- Use of school labour for private purposes.
- Use of wasted school materials and/or equipment without express authority.
- Unauthorised or inappropriate use of school computers, email systems or internet access.
- Unauthorised interference with a computer (e.g. misuse of a password to gain entry to a computer for the purpose of extracting information to which the employee is not entitled and /or deliberate corruption of computer records).

3.3.3.7 Neglect of Duty

- Gross negligence and / or dereliction of duty.
- Any action which brings the MAT and its reputation into disrepute.
- Deliberate actions or omissions (e.g. 'failure to act') that endanger life or limb, including deliberate damage to, neglect of, or misappropriate use of, safety equipment and any violations of safety rules and codes of practice.

3.3.3.8 Alcohol and Drug Use:

- Consumption of alcohol, or the taking of drugs or intoxicating substances, in circumstances where it could constitute a health and safety hazard, where it could be in breach of a position of responsibility and trust, or where the employee is found to be incapable of adequately performing their work duties.

3.3.3.9 Confidentiality:

- Unauthorised disclosure of highly confidential matters relating to the business of the MAT (not including the appropriate use of the School's Whistleblowing Policy).

3.3.3.10 Use of Information Communication Technology (ICT) systems:

- Unauthorised, or inappropriate, use of the school's computer equipment or software, including internet abuse.
- Breaches of the School's ICT policy (e.g. accessing internet sites containing pornographic material, loss of confidential or sensitive/personal data through negligence, loss of important or expensive equipment through negligence).
- Deliberate unauthorised deletion of data or other electronic information.

3.3.3.12 Defamation:

- Making defamatory statements in the course of employment with the School, whether orally, written, or in electronic communications (e.g. via social media). A defamatory statement is a statement that will, or is likely to, injure the good reputation of another person or the school in the opinion of members of society generally.
- Submission of false references, or false information, or failure to disclose relevant information in recruitment processes of which the MAT should and could have been made aware.

3.3.3.13 Statutory responsibilities:

- Failing to comply with statutory responsibilities and standards that are clear obligations attached to a professional role, as set down by legislation or the professional body for a particular role in the school.

3.3.3.14 Professional membership:

- Conduct that leads to an employee being removed from the professional register of their professional body, which directly ends the employee's ability to continue undertaking their professional role in the post they hold in the school.

3.3.3.15 Social Media

- Any communications made either during the course of employment or in a personal capacity through social media that:
 - bring the organisation into serious disrepute
 - serious breach of confidentiality
 - could be considered discriminatory against, or bullying or harassment of, any individual

While they may not be acting on behalf of the organisation, employees must be aware that they can cause serious damage to the school if they are recognised as being one of our employees.

Note

In case of fraud or financial irregularities Principals should consult the Chief Executive Officer.

4. ROLES AND RESPONSIBILITIES

It is essential to have a clear, consistent and fair policy for managing disciplinary issues that cause concern. Therefore, it is recognised that all parties involved have a responsibility to ensure that processes are carried out in accordance with this policy, and in line with legal requirements.

The key parties who will have a role to play within the disciplinary policy are as follows:

- 4.1 MAT Board of Directors
- 4.2 Local Governing Body
- 4.3 Principal
- 4.4 Employee
- 4.5 MAT HR Manager
- 4.6 Trade Union Representatives

The responsibilities for each stage of the procedure are set out below for each role, as follows:

4.1 MAT Board of Directors	
<p>The MAT Board of Directors sets and agrees the policies and procedures for the MAT. The MAT Board of Directors has a legal responsibility for doing so.</p> <p>The MAT Board will implement this policy, where it is deemed necessary, in relation to those staff employed centrally by the MAT.</p>	
4.2 Local Governing Body	
Local Governing Body Responsibilities General	<ul style="list-style-type: none"> • It is the local governing body to implement this policy. • The local governing body should establish a disciplinary committee and an appeals committee. The quorum for both is at least three governors, to be chosen from those appointed by the governing body. No governor who has had prior involvement in the case should sit on either committee. • In case of disciplinary action against a Principal may be needed, governors should designate a person to act in the role normally performed by the Principal - who could, for example, be the Chair of Governors. All of the provisions of this document will apply, and the early advice of the MAT's HR Manager will be sought.
Local Governing Body Responsibilities Suspension	<ul style="list-style-type: none"> • The Local Governing Body may, in the absence of the Principal, suspend any employee of the school, with full pay, and where this is the case must inform the Principal • Where the alleged misconduct is relating to the Principal, and where the circumstances warrant such action, the Chair of the local governing body may suspend the Principal, with full pay. (In the absence of the Chair, the Vice-Chair may exercise this power.

	<ul style="list-style-type: none"> • The Chair of the Local Governing Body must ensure that suspension is appropriate and necessary and imposed only after careful consideration. • The Chair of the Local Governing Body will be asked to review all cases of suspension, in conjunction with the Principal, except in cases where the suspension is regarding the Principal, to determine whether or not the suspension should be lifted or extended, pending completion of the disciplinary investigation. • Suspensions will usually be reviewed by the Chair of Governors, in conjunction with the Principal, after twenty working days and should normally continue to be reviewed every two weeks, although where appropriate an alternative timeframe of review can be agreed, taking into account the particular circumstances of the case. • Only the Chair of the Local Governing body can make the decision to lift any suspension and enable the employee to resume their duties at the school.
Local Governing Body Responsibilities Investigation	<ul style="list-style-type: none"> • Have an overall responsibility for ensuring that procedures are in place and followed so that no disciplinary sanction is applied to any employee, without due process being followed. • Where the Investigating Officer is the Principal, the Chair of Governors will receive the investigation report and decide whether the matter should be heard at hearing.
Local Governing Body Responsibilities Disciplinary Hearing	<p><u>If the Power of Dismissal is Retained by the Local Governing Body:</u></p> <ul style="list-style-type: none"> • The disciplinary committee will conduct all disciplinary hearings where dismissal is a potential outcome. <p>Or</p> <p><u>If the Power of Dismissal is Delegated to the Principal:</u></p> <ul style="list-style-type: none"> • the disciplinary committee will need to hear any case where the Principal must be excluded from the matter, because of prior involvement (e.g. investigating officer) or because they are a key witness.
Local Governing Body Responsibilities Appeals	<ul style="list-style-type: none"> • The local governing body should establish an appeals committee. The quorum is at least three governors, to be chosen from those appointed by the local governing body. No governor who has had prior involvement in the case should sit on this committee. <p><u>*If the Power of Dismissal is Delegated To The Principal, keep the following</u></p> <ul style="list-style-type: none"> • The appeals committee will hear and decide upon all appeals against any formal disciplinary sanction decided by the Principal, including a decision to dismiss. • The Chair of Governors shall receive appeals from employees, ensuring that they are received within ten working days from the date of the disciplinary decision being issued in writing. The chair may consider and respond to any request from an employee for a reasonable extension of their deadline for appeal. • The local governing body will, unless otherwise agreed, arrange an appeal hearing within 30 working days of the appeal being received. • The local governing body should identify a suitable panel of 3 governors, to hear the appeal, ideally those who have had no prior involvement in the case. • The local governing body will ensure that written notification / confirmation of the appeal hearing outcome is provided to the employee within five working days of the appeal

	hearing.
4.3 Principal	
Principal Responsibilities General	<ul style="list-style-type: none"> • The Principal has the prime responsibility for the day-to-day management and discipline within the school and should seek the advice of the MAT's HR Manager at any stage in this procedure. • The Principal is responsible for: <ul style="list-style-type: none"> ○ Holding a copy of the full policy on file and ensuring that it is available to all employees either via an accessible shared drive, and/or making a copy available in the staff room; ○ Ensuring that all staff are provided with/or have the ability to access a copy of the Disciplinary Rules and Standards of Conduct for School based staff; ○ Seeking the advice of the MAT's HR Manager, at the earliest opportunity, regarding any potential disciplinary issues; ○ Ensuring that staff are informed of any Employee Assistance Programme (EAP) provider, where such services are engaged by the school to provide telephone based confidential support. ○ Ensuring that, where possible, matters are dealt with informally before proceeding to formal disciplinary. ○ Making timely referrals to the Occupational Health Unit to identify and assist with problems at work which may affect health and/or cause absence and aims to provide a high quality of advice to staff, the LA and schools and Governing Bodies on health and medical problems that arise in the work place. ○ Ensuring that no formal action is taken against any member of staff until the matter has been fully investigated and they have had the opportunity to discuss/present their case at a formal disciplinary hearing. ○ Ensuring that staff are advised of the nature of the complaint in writing and given the opportunity to prepare and present his or her case before any decision is made. ○ Allowing staff to take paid time off during working hours for the purpose of accompanying another of their workers to a disciplinary or appeal hearing, in accordance with the Leave of Absence Procedure. • In most circumstances, where a complaint/allegation is made against a member of staff, they will hold an initial discussion with that member of staff, or undertake a brief enquiry around the allegation or complaint in order to determine whether or not it may be a disciplinary issue and whether a disciplinary investigation is required.
Principal Responsibilities Investigation	<p>During the investigation stage the Principal will:</p> <ul style="list-style-type: none"> • Be responsible for discharging the function of Investigating Officer, delegating such a function to another senior member of staff, or securing the Investigating Officer function by agreement with another schools. • Ensure that formal disciplinary investigations are undertaken in an open and transparent

	<p>manner by appropriately skilled, and trained, independent investigators.</p> <ul style="list-style-type: none"> • Ensure that staff understand their responsibilities in participating openly and honestly in any disciplinary investigation, whether as the staff member whom the allegation is against, or as a witness. • The Principal will decide whether the investigation needs specialist input. • Ensure that the Investigating Officer is aware of their role, and has the appropriate information and resources in order to undertake a reasonable and timely investigation process. • Take receipt of the investigation report on completion and make a decision on how to proceed, including whether there is a case to be answered and whether an agreed outcomes option could be offered or the matter should go to a full disciplinary hearing. • Ensure that the Investigating Officer undertakes all necessary steps, or where the Principal is acting as the IO, undertakes the appropriate steps themselves as follows: <ul style="list-style-type: none"> a) unless it would hinder an external investigation (e.g. where there are allegations of fraud or child protection issues etc) talking to the member of staff to get their version of the events; b) Where a written complaint exists a copy should be provided to the employee, where possible this should be before the investigation meeting. Where a written statement does not exist, or where it is not possible to provide full details of an allegation i.e. child protection cases, etc. the member of staff should be notified as such; c) notifying the employee concerned of the date and time of the investigation meeting and of their right to be accompanied by a trade union representative or work colleague, and. It is recommended that at least one day's notice is given in advance of the meeting. d) investigating the complaint promptly and carefully before memories fade; e) collecting evidence, relevant facts and witness statements, as applicable to the matter that is subject to investigation; f) ensuring that, as far as possible, all parties involved in a potential disciplinary case are interviewed; g) be clear that any meeting held during the investigation, is not a disciplinary hearing; h) Prepare a report regarding the investigation process and the findings of the investigation, setting out a balanced case on the merit of the evidence gathered; i) As part of the report, should recommend to the Principal, or Chair of Governors where the Principal is the Investigating Officer, whether a disciplinary hearing is necessary and what action should be taken, if any; j) Where appropriate, submitting full details to a disciplinary hearing, and presenting a factual and unbiased case.
<p>Principal Responsibilities Suspension</p>	<ul style="list-style-type: none"> • The Principal (including an acting or interim Principal) may suspend another member of staff and this power is delegated to any Deputy Principal in the absence of the Principal.

	<ul style="list-style-type: none"> • The Principal will inform the Chair of the governing body of any suspension. <p>Before deciding on a suspension, the Principal, if the power remains with the Principal, will need to be assured that suspension is appropriate and must have considered any suitable alternative options. The following should be considered carefully before suspending an employee:</p> <ul style="list-style-type: none"> - regardless of how serious the conduct is suspension must never be a knee-jerk reaction; - ascertain the employee's version of events before suspending; - consider why suspension is necessary in order to conduct a fair investigation; - consider any alternatives to suspension; - suspension should never be a routine response to allegations of misconduct; and - suspension needs to fit the severity of the allegation. <ul style="list-style-type: none"> • The Principal must write to the member of staff to confirm the details of suspension, including the terms of suspension, a named contact, and the date of review. • Ensure suspension is reviewed by the Chair of the governing body, in conjunction with themselves, in accordance with the agreed timescales, which is usually initially after 20 working days, then every 2 weeks, or otherwise as agreed. • Seek the decision / approval of the Chair of the Governing Body in order to end any period of suspension.
<p>Principal Responsibilities Disciplinary Hearing</p>	<ul style="list-style-type: none"> • <u>If the Power of Dismissal is Delegated To The Principal</u>, the Principal may hear the disciplinary case and may decide upon any formal disciplinary sanction, including a decision to dismiss. • In line with the rules of natural justice, if the Principal undertakes the role of the Investigating Officer, they must not make any disciplinary decision. In such a case, any decision made at a Disciplinary Hearing would need to be made by the relevant members of the Governing Body. • Ensure that written notification is provided of any decision to proceed to a disciplinary hearing, or of an agreed outcomes option, usually following a disciplinary investigation. • When acting as the Hearing Officer at any disciplinary hearing, ensure the outcome letter is provided within an agreed timescale, as agreed by all parties, following the hearing or agreed outcomes meeting, including details of the decision and, where applicable, the employees right of appeal. • Where it has been determined that a member of staff has maliciously accused colleagues, address any such issues and consider whether disciplinary action is appropriate.
<p>Principal Responsibilities Appeals</p>	<ul style="list-style-type: none"> • Where the Principal is the Disciplinary Hearing Officer, the Principal must ensure that the member of staff has been made aware of their right of appeal in respect of any formal disciplinary sanction applied as a result of a formal disciplinary hearing. • In the case of an appeal, where the Principal is the Disciplinary Hearing Officer, they should participate in the appeal process as requested by the appeal panel. This will include submitting written evidence to be heard at the appeal, and attending the appeal hearing.

4.4 Employee

Employee Responsibilities General	<ul style="list-style-type: none">• All MAT staff, including those employed centrally by the MAT, are expected to comply with the conditions of service and appropriate legislation.• All MAT staff have a responsibility to report any acts of misconduct that they have witnessed and should participate openly and honestly in any disciplinary procedure, as required.• All MAT staff are responsible for their behaviour and conduct and, particularly, for understanding and adhering to the:<ul style="list-style-type: none">○ disciplinary rules and standards of conduct in section 3;○ financial regulations of the MAT, which include accounting and procurement;○ guidelines concerning financial relationships and other remunerated work;○ health and safety regulations;○ Code of conduct and other school procedures, as applicable to the school.• All MAT staff, who are subject to allegations of misconduct, must engage in any disciplinary process in which they are involved and respond to management efforts to improve standards of conduct, whether formally or informally.• If arranging to be accompanied by a colleague at any formal meetings, staff should ensure that appropriate arrangements are made with the colleague's manager/employer in order to support and accompany you at meetings.• Staff should make management aware of any reasonable adjustments, required throughout the process.• Staff should remain responsible for their own health and well-being throughout the process and carefully consider the appropriateness of any supportive Occupational Health appointment that is offered, and where appropriate should contact any Employee Assistance Programme (EAP) provider, whose services are engaged by the school to provide telephone based confidential support.• Adhere to any instructions and deadlines as advised by the Principal, investigating officer, or hearing officer.• At all formal stages of the procedure, staff are entitled to be represented by a trade union representative or a work colleague, and are responsible for making such arrangements. Each member of staff is responsible for making sure that their representative has the appropriate experience, qualifications and skills to be able to represent them in a disciplinary process.
Employee Responsibilities Investigation	<ul style="list-style-type: none">• All MAT staff must co-operate with any investigation and with the terms of the procedure;• Staff are required to provide written statements as requested in respect of a disciplinary allegation, whether the allegation is against themselves or any other employee.• Staff should attend any investigation meeting they are called to unless there is good reason for not doing so;• If there is an acceptable reason not to attend the original planned investigation meeting, the employee should suggest a revised date which is no later than three working days after the original meeting date.

	<ul style="list-style-type: none"> • It is important to make the investigating officer aware of any special requirements or reasonable adjustments that might be required when attending the interview. • All MAT staff should participate openly and honestly in any process / meeting, as required.
Employee Responsibilities Suspension	<ul style="list-style-type: none"> • Whilst staff may have a Trade Union representative or work colleague present at the point of suspension, there is no formal right of representation. Where the employee is unable to find a suitable representative, this will not prevent the employee from being suspended. • If during suspension a member of staff becomes unfit for work, due to sickness absence, they must notify their named contact and provide certification in accordance with usual sickness procedures. • Staff will be advised in writing of the allegations against them and terms of suspension that they must comply with.
Employee Responsibilities Disciplinary Hearing	<ul style="list-style-type: none"> • If offered, staff will be required to respond to any offer of an agreed outcomes meeting as notified to them in writing; • Where either a full disciplinary hearing, or an agreed outcomes meeting is arranged, staff must attend unless there is good reason for not doing so; • If there is good reason not to attend the disciplinary hearing / agreed outcomes meeting they must: <ul style="list-style-type: none"> ○ Inform the Chair of the Disciplinary Hearing of the reason that they are unable to attend, ○ Suggest a revised date within five working days of the original hearing date, ○ In exceptional circumstances only, arrange for a union representative/work colleague to attend on their behalf • Where an employee is unable to attend a hearing and they wish to make arrangements for a representative to attend on their behalf, they may make such a request to the school. • Staff will be advised in writing of the information that they must provide to the Disciplinary Hearing Panel and the timescales for doing so, and are required to comply with such requests. • Staff should give the Hearing Officer at least three working days' notice of who, if anyone, will be accompanying them to a meeting and any witnesses they intend to bring. • Representation is not permitted by solicitors or barristers. The reason for this is that a disciplinary procedure is not a judicial process.
Employee Responsibilities Appeals	<ul style="list-style-type: none"> • Staff intending to appeal against the decision of a disciplinary hearing, will have the right to appeal on one or more of the following grounds: <ul style="list-style-type: none"> ○ The procedure - a failure to follow procedure had a material effect on the decision; ○ The evidence did not support the conclusion of the Hearing Officer; ○ The penalty was too severe given the circumstances of the case. • Employees should submit any appeal by no later than the deadline specified in their disciplinary outcome letter. Usually the full grounds of appeal, statement of case and supporting evidence should be submitted to the named person, who will also be specified

	<p>in the letter within ten working days of the letter confirming the decision. If additional time is required to submit an appeal, due to exceptional circumstances, a request may be made in writing to the chair of Governors for a reasonable extension.</p> <ul style="list-style-type: none"> • Where a member of staff is unable to attend an appeal hearing they may make arrangements for a suitable representative (union or work colleague) to attend in their absence, and must make such arrangements in agreement with the school. • Staff will be advised in writing of the information that they must provide to the Appeal Hearing Panel and the timescales for doing so, and are required to comply with such requests.
4.5 MAT HR Manager/HR	
At all stages of the procedure	<ul style="list-style-type: none"> • Where required by the school, the MAT HR Manager will provide advice and support to the Principal / Line Manager and the Local Governing Body. • The MAT HR Manager may attend all meetings / hearings with the employee and their representative. • Where possible, a different HR Advisor, will provide support at each stage of the process, i.e. investigations, disciplinary hearing, appeal hearing.
4.6 Trade Union	
At all stages	<ul style="list-style-type: none"> • All staff will have the right to be assisted by a representative of a trade union or a work colleague at all formal stages of the procedure, should they choose to. • Trade unions may provide support and attend meetings, as engaged by the member, but will not be permitted to provide responses or information on their behalf. • Trade union officials are asked to make reasonable efforts to attend any disciplinary meeting in accordance with this policy, when so requested, in order that the process can be completed in the required timeframe and should be facilitated to do so by their line managers.
At Disciplinary Hearing and Appeal	<ul style="list-style-type: none"> • Where employee member of staff is unable to attend a hearing the representative will be entitled to attend in their absence, as arranged by the employee and in agreement with the school. • At a hearing, the member of staff's trade union representative or work colleague has a statutory right to address the hearing but no right to answer questions on their behalf. As such, they will be allowed to ask questions and should be allowed to participate as fully as possible in the hearing. The trade union representative or work colleague should also be permitted reasonable time to confer privately with the employee, either in the hearing room or outside. • A second representative may attend in the capacity of note-taker or as observer. In more serious or complex cases, the employee may be accompanied by a second person to assist the main representative during the proceedings.

5. Legislation

5.1 The Equality Act 2010

The Equality Act came into force on 1 October 2010 and has brought together many previous equality related legislation into one act. It identifies nine Protected Characteristics and the Act provides protection from unlawful discrimination in respect of these characteristics.

The Characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

5.2 Health and Safety at Work Act

5.3 Data Protection Act 1998 / General Data Protection Regulation

5.4 Access to Medical Records

5.5 Relevant European Council Directives that become legislation

5.6 Employment Act 2002 – schedule 2 Standard statutory dismissal and disciplinary procedure

5.7 Section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992

5.8 The Acas statutory Code of Practice

The Code is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992. A failure to follow the Code does not, in itself, make a person or organisation liable to proceedings. However, employment tribunals will take the Code into account when considering relevant cases.

6. Assessment of Risk

Please see the Equality Impact Assessment

7. Definition of Terms

The key terms used throughout this policy and the management tool kit are considered to be and are defined as follows:

Agreed Outcomes Meeting:	An agreed outcomes meeting might be offered to an employee where the allegation is not contested and will only be held if the employee is in agreement. It is intended to avoid a full disciplinary hearing where possible. This option will not be followed where dismissal is a possible outcome.
Appeal:	the process by which an employee will challenge a decision made at a full disciplinary hearing. This does not apply to any decision reached at an agreed outcomes meeting.
Appeal Hearing:	a meeting which is convened to hear evidence in respect of the appeal, at which a final decision will be reached.
Conduct:	the manner in which an employee behaves at work.
Code of conduct:	a document which sets out the required behaviours and professional standards expected of all employees.
Disciplinary Investigation:	the process by which evidence is gathered to uncover the facts in respect of alleged misconduct. This may include meeting with the employee and witnesses, checking files and gathering any other evidence as applicable.
Disciplinary Hearing:	a meeting which is held when the Investigation identifies that there is a case to be answered. This is a meeting at which the employee is required to attend to present their version of events.
Disciplinary Sanction:	this is the penalty that may be applied as a result of a formal disciplinary hearing
Dismissal:	is the termination of an employment contract by an employer, usually against the will of the employee.
Gross misconduct:	This is where there is an act of misconduct which is so serious as to justify possible summary dismissal. See section 3. Disciplinary Rules & Standards of Conduct.
Hearing Officer:	the person, usually the Principal, who has the overall responsibility for hearing the evidence and making decisions during the disciplinary hearing. In some cases, where it is not appropriate for the Principal to be the Hearing Officer, a panel will be formed in place of the Hearing Officer. See 'Panel' below.
Informal Management processes:	the usual process by which managers liaise with employees and ensure that appropriate behaviour, standards, conduct, etc. are maintained, addressing any behaviour which falls outside of that required

For example, in minor cases of misconduct / disciplinary allegation, it may be appropriate for such concerns to be dealt with informally between the Principal / line manager and the employee, by discussing the problem, the improvement that is required, the timescale for achieving this improvement, a review date, and, where applicable, any support that will be provided to assist the employee. This would normally be set out in a management/professional advice letter / record to support the employee in not repeating behaviours/actions, which if repeated may result in disciplinary action being taken. Management/professional advice/ records can be issued without the disciplinary policy being invoked.

Investigation Officer:	an independent person appointed by the school to undertake a disciplinary investigation and produce a report of their findings. The IO would also be required to attend any subsequent disciplinary Hearing to present their findings. The IO may recommend, but at no stage will they decide upon a disciplinary sanction.
Misconduct:	unacceptable or improper behaviour which is in breach of the schools standards, expectations, regulations, policies and procedures. Also see section 3. Disciplinary Rules & Standards of Conduct.
Manager:	person responsible for direct supervision of an employee, could also be Principal or other member of SLT as appropriate
Natural justice:	refers to the basic fundamental principles of fair treatment. These principles include the duty to give someone a fair hearing; the duty to ensure that the matter is decided by someone who is impartial; and the duty to allow an appeal against a decision
Panel (Disciplinary or Appeal):	a panel, where required in these circumstances, will be a selection of up to three Governing Body Members who will be selected to hear the evidence presented by both the accused employee and the school, in order to reach a decision on the action to be taken / disciplinary sanction (if applicable).
Reasonable adjustments:	a way of preventing discrimination against disabled employees by making changes to ensure that they are not at a disadvantage.
Representative	This might be either a colleague or Trade Union Official, who the employee selects to support them through any formal procedures. The employee is responsible for choosing a representative who has the appropriate qualifications and/or experience to provide the appropriate support to them, and for ensuring they are available to attend meetings.
Sanction:	a penalty imposed on an employee as a result of unsatisfactory conduct, subject to disciplinary proceedings. See section 8: Procedure - sanction chart
Summary dismissal:	dismissal without notice – usually only justifiable for gross misconduct. Summary dismissal is not necessarily the same as instant and allegations

of gross misconduct should be investigated as part of a formal procedure

Suspension:

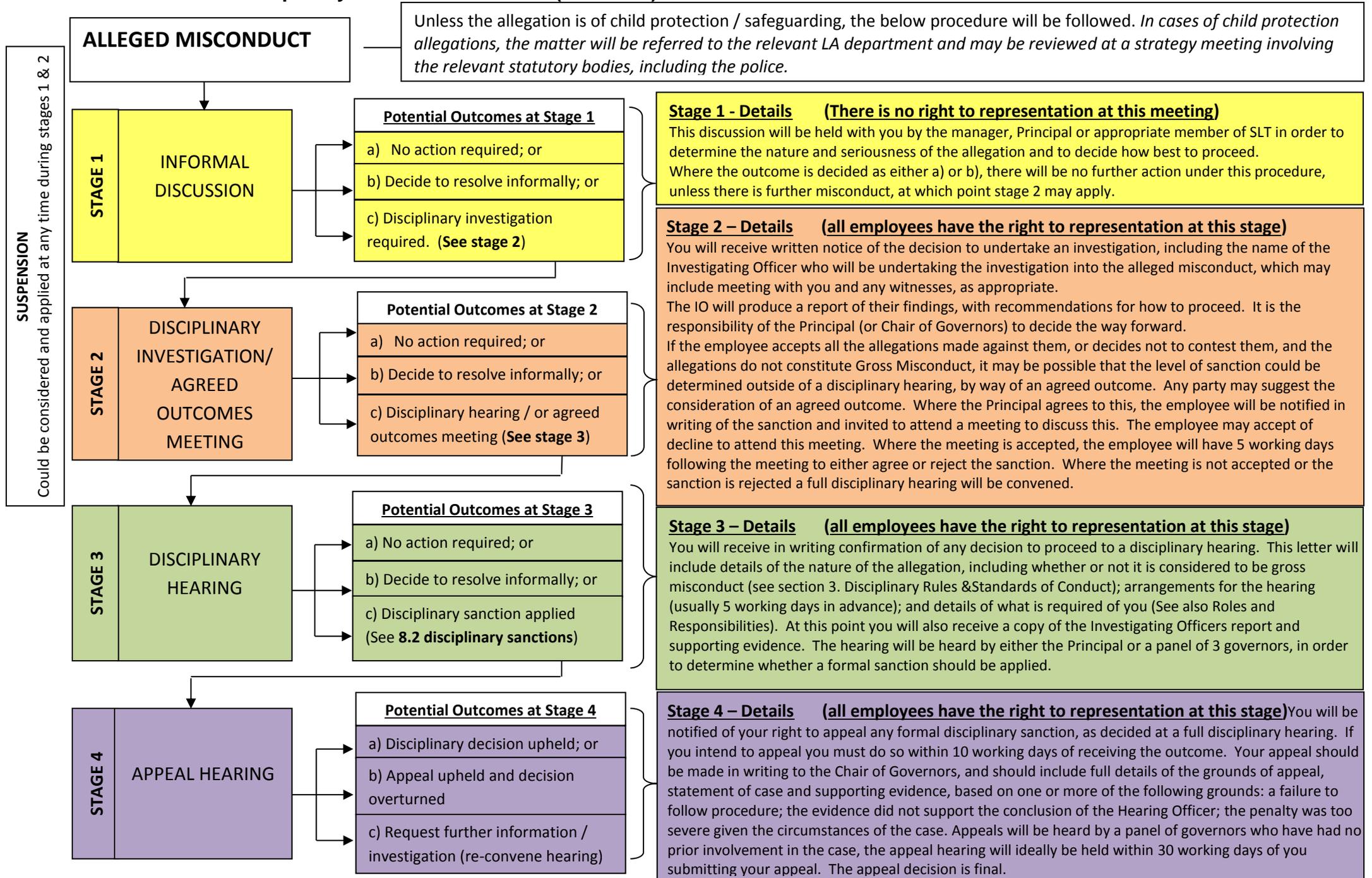
is the act of requiring the employee to remain away from the place of work, on full pay, whilst an investigation is undertaken, or pending a disciplinary hearing. The following should be considered carefully before suspending an employee:

- regardless of how serious the conduct is suspension must never be a knee-jerk reaction;
- ascertain the employee's version of events before suspending;
- consider why suspension is necessary in order to conduct a fair investigation;
- consider any alternatives to suspension; and
- suspension should never be a routine response to allegations of misconduct.

*******Any revision to the regulations will supersede this policy*******

8. Procedure

8.1 Procedure: Disciplinary Procedure Overview (flowchart)



8.2 Procedure Overview: Disciplinary Sanctions

SANCTION (possible outcome of the disciplinary)	ABOUT THE SANCTION	RECORD ON FILE
<p>WRITTEN WARNING <u>First Written Warning</u></p>	<p>Where informal management of the issues has proved ineffective, or the misconduct is of a more serious nature, following a disciplinary hearing, a written warning may be given to the employee.</p> <p>Any further disciplinary lapse may result in further disciplinary action. Live disciplinary warnings will usually be taken into account and may have a bearing on the sanction, which in some circumstances (dependent on the seriousness of the new matter) may lead to dismissal.</p>	<p>A first written warning usually expires after six months.</p> <p>Also see below re: extensions to warnings.</p>
<p>WRITTEN WARNING <u>Second Written Warning</u></p>	<p>A second written warning is generally applicable either where a first written warning (above) has not resolved matters and there has been a recurrence of the behaviour or conduct that was the subject of the original complaint, or this level of misconduct warrants a second written warning.</p> <p>Any further disciplinary lapse may result in further disciplinary action. Live disciplinary warnings will usually be taken into account and may have a bearing on the sanction, which in some circumstances (dependent on the seriousness) may lead to dismissal.</p>	<p>A second written warning usually expires after twelve months</p> <p>Also see below re: extensions to warnings.</p>

<p>WRITTEN WARNING <u>Final Written Warning</u></p>	<p>Where a first and/or second written warning has proved ineffective, or the misconduct is of a more serious nature, but does not warrant dismissal, a final written warning may be given.</p> <p>Any further disciplinary lapse may result in further disciplinary action. Live disciplinary warnings will usually be taken into account and may have a bearing on the sanction, whilst a final written warning is live on the file this may lead to dismissal.</p>	<p>A final written warning usually expires after two years.</p>
<p>Extensions to warnings: In exceptional circumstances and in consultation with the Chair of Governors, the time limit on warnings can be extended beyond the normal expiry period.</p>		
<p>Consideration of dismissal via the route of formal written warnings is normally done through a three stage process; namely: a first written warning, a second written warning and a final written warning. This does not, however, mean that three warnings must always be given before any dismissal is considered.</p> <p>There may also be occasions when misconduct is considered not to be so serious as to justify dismissal, but serious enough to warrant a final written warning.</p>		

SANCTION (possible outcome of the disciplinary)	ABOUT THE SANCTION	RECORD ON FILE
DISMISSAL	<p>Staff will not be dismissed for a first breach of discipline, except in a case of gross misconduct.</p> <p>Dismissal with Notice will apply in all situations of dismissal except in cases of gross misconduct.</p> <p>A disciplinary hearing will be held before any decision to dismiss an employee is reached.</p> <p>The Teachers Misconduct Unit will be notified of all cases of dismissal due to misconduct. They must also be notified if a teacher resigns from their post pending their potential dismissal.</p> <p>A member of staff should not be dismissed as a result of an agreed outcomes meeting.</p>	<p>Permanent</p> <p>Unless the decision is overturned at appeal hearing</p>
SUMMARY DISMISSAL	<p>Summary dismissal is dismissal without notice.</p> <p>This may apply in cases of gross misconduct, which is generally seen as misconduct serious enough to destroy the trust and confidence between the employer and the employee, such that any further working relationship is impossible.</p>	<p>Permanent</p> <p>Unless the decision is overturned at appeal hearing</p>

8.3 Other sanctions may also be considered as follows:

8.3.1 Financial sanction

For damages to property, or loss to public funds caused by a **deliberate act** or through **negligence**, a financial sanction can be given. This is used, and will normally be given, along with another sanction in cases where there is clearly identifiable and quantifiable loss to the service, or another organisation, or the individual concerned. Examples are: damage to property, or the taking of unauthorised leave. Written agreement, with full details of the schedule of payment required, will be obtained from the employee before the amount concerned is deducted from their pay.

8.3.3 Demotion/re-grading to a different pay banding

This sanction would normally be used for serious offences, as an alternative to dismissal, in circumstances where the nature of the misconduct has cast doubt on the employee's judgement and/or their fitness for a higher grade or different pay band. It should be noted that the Performance Improvement Policy is the primary means of achieving the downgrading of an employee who is unable to perform adequately in a higher grade or pay band.

This sanction can involve any of the following:

- Demotion to a lower grade
- Demotion to a lower pay band

The Hearing Officer should consider the impact of these options and whether they wish to remove an individual from carrying out responsibilities at a certain level and/or decide on an action that results in financial loss to the individual.