



Staff Disciplinary Policy – DCP 022

Policy Owner: Stephen Beeson

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Introduction

The Drapers' Multi-Academy Trust, as the employer of staff in our schools, has a legal obligation to establish workplace procedures to deal with matters of staff discipline. A high standard of discipline is essential for the efficient and orderly conduct of the schools and for the safety and well-being of its entire staff.

Day-to-day management of staff is delegated by the MAT through the Local Governing Bodies to the Principal and line managers in each school.

Scope

This policy applies to all directors, governors and staff of the Drapers' Multi-Academy Trust.

Each school within the MAT must ensure that the contents of this policy are communicated to all staff. This communication must be evidenced in writing and refreshed on an annual basis.

Each school within the MAT must publish this policy on its website.

Definitions

Conduct Breaches Low-level misdemeanours, usually resulting from a failure to follow appropriate procedures.

Conduct Violations More serious misconduct, usually resulting from more deliberate behaviour or wilful negligence.

COO Chief Operating Officer.

Disciplinary Sanctions Set out in section 17 of this policy.

LGB Local Governing Body, with delegated powers of governance from the board of the MAT.

MAT Drapers' Multi-Academy Trust.

Misconduct Conduct breaches and violations.

SLT Senior Leadership Team.

Staff Anyone employed by the MAT.

Policy

1. For the purpose of this document, staff misconduct leading to disciplinary action will be assessed by reference to the MAT Code of Conduct and



- employee's contractual obligations. Misconduct concerns may be about a single matter or a number of separate issues.
2. The Principal of each school within the MAT is responsible for developing procedures in accordance with this policy. Such procedures must also be in accordance with the ACAS Code of Practice. These procedures must be approved by the LGB.
 3. The COO must develop similar procedures for staff in the shared services function. These procedures must be approved by the Chair of the MAT.
 4. The main purpose of the disciplinary procedure is to ensure an employee, whose conduct is unsatisfactory, is helped to improve. Failure to improve standards of conduct to an acceptable level will be the subject of disciplinary sanctions up to, and including, dismissal.
 5. Informal guidance or management feedback from a line manager or a member of the SLT, as distinct from an informal warning (see section 22), does not form part of the formal disciplinary procedure.
 6. The Principal has delegated authority to take disciplinary action up to and including initial dismissal decisions, following which there will be an opportunity for the employee to appeal to a committee of the LGB.
 7. The COO has delegated authority to take disciplinary action up to and including initial dismissal decisions, following which there will be an opportunity for the employee in the shared services function to appeal to a committee of the MAT board.
 8. The aim of the disciplinary procedures is to ensure that employees are treated fairly and consistently and that, particularly where an employee's job is at risk, proper and adequate procedures are observed before any decision is taken.
 9. All proceedings under this policy shall be held in private and shall be confidential.
 10. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Investigations

11. In cases of alleged conduct violations, it may be necessary for the Principal or the COO to appoint an Investigating Officer to determine the facts. This will normally be an independent member of the SLT of the same or a different school within the MAT. In the case of an allegation against a member of the SLT or the Principal, the investigation should be conducted by a member of the LGB appointed by the Chair of the LGB. In the event of an allegation against the COO, the Chair of the Finance and Operational Audit Committee will conduct the investigation.



12. The employee must be informed of the allegations and the investigation at a formal meeting, where they have the right to be accompanied by a representative. They should be advised of the timetable of the investigation and the process following its completion. They must be informed that they will be required to cooperate with the Investigating Officer.
13. In the case of a serious allegation, it may be appropriate to place the employee on paid leave during the course of the investigation. This decision will be made by the Chair of the LGB taking into account the recommendations of the Principal. Being placed on paid leave does not carry any stigma and does not involve any element of pre-judging the case. Rather, it recognises the fact that it may not be possible or fair or appropriate to expect the employee to continue to perform their duties while the investigation is occurring.
14. The Investigating Officer must have access to all relevant documentation and be able to interview whoever they wish. At the discretion of the Chair of the LGB it may also be appropriate to appoint external auditors to review and report on relevant records.
15. The Investigating Officer must only report on the facts relating to the allegation, and not take into account any hearsay, innuendo or unsubstantiated allegations. The Investigating Officer may make a recommendation as to the appropriate course of action, but this is not binding.

Representation

16. At all stages of the disciplinary procedure, employees have a statutory right to be accompanied by a recognised trade union representative or by a work colleague. Where a trade union representative is not an employed official, he or she must have been certified by their union as being competent to accompany the employee. For the avoidance of doubt, an investigating officer will not be entitled to representation when acting in the role of Investigating Officer.
17. It is the responsibility of the employee to arrange for his/her representation, including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's chosen trade union representative or work colleague is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time that falls within five working days after the original date proposed.
18. The trade union representative or work colleague may also address a hearing/meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee, but may not answer questions on their behalf.



19. It is good practice for management to try to agree a mutually convenient date for the meeting with the employee and their representative or work colleague to ensure that meetings do not have to be delayed or postponed.
20. The Principal should consider whether any additional support or reasonable adjustments for the employee is required, for example when a physical disability or other special need is identified.

Discipline of Employee Representatives

21. Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure will be followed. In accordance with the ACAS Code of Conduct, the Principal will discuss any potential proceedings with the regional trade union official of the relevant union.

Available Disciplinary Sanctions

22. The following are the disciplinary sanctions available to the Principal and the COO.
 - i. **Informal Warning:** Appropriate for relatively low-level conduct breaches.
 - ii. **Formal Warning:** Appropriate for conduct breaches that need to be recorded but for which there should be no formal consequences.
 - iii. **Forfeiture of salary increases:** Appropriate for conduct violations where the concerns are more serious, either because of the nature of the misconduct or the seniority of the employee concerned. In such circumstances, the period over which the salary will not be reviewed should be made clear.
 - iv. **Forfeiture of promotion prospects:** Appropriate for conduct violations where there is a need for the employee to demonstrate behavioural change. In such circumstances the period over which the forfeiture applies should be made clear.
 - v. **Dismissal:** Appropriate only in the most severe instances of conduct violations, taking into account the seniority of the individual, the breach of trust and the motivation behind the misconduct. Dismissal may either be effected contractual or summary notice depending on the circumstances of the case.
23. All disciplinary decisions must be notified to the employee in writing and a copy retained on the employee's file.

Appeal

24. All employees have a right of appeal to the LGB regarding disciplinary sanctions.



25. Should an employee wish to appeal against a disciplinary decision, he or she must notify the Principal within five working days of receiving the written notification. The Principal will acknowledge receipt of the appeal in writing and inform the Chair of the LGB.
26. The Chair of the LGB will convene an Appeals Panel of three governors or directors to hear the appeal. None of these must have been involved in the proceedings and must be independent. In normal circumstances, the governors will be from the LGB of the school concerned but the Chair may request governors from other schools within the MAT, or MAT directors, to sit on the appeals body if local governors are unavailable or not sufficiently independent.
27. The Chair of the LGB will select the Chair of the Appeals Panel. The COO will appoint a clerk to record the proceedings.
28. The panel should hear the appeal within five working days of being established. The panel should consider all the evidence that has been used to make the disciplinary decision and invite the employee to submit any further evidence that they consider relevant. The employee, together with any representative, should be invited to appear before the panel and make their case. The Principal or other senior member of staff should also be invited to make their case. It is for the discretion of the Chair how the proceedings should be held; but the employee must have the right to make the final statement in appeal.
29. The Appeals Panel must deliver its decision within 24 hours of hearing the appeal. It is for the Chair to determine whether the employee is requested to wait to hear the verdict or whether it is more appropriate to allow more time for consideration.
30. The decision of the Appeals Panel is final. The COO is responsible for informing the employee of the decision in writing.

Review

31. The policy owner must keep up to date with relevant legislation and government guidance and update this policy whenever necessary. The board of the MAT must approve the revised version.
32. The policy owner must review the policy at the end of July each year and either submit a revised policy for board approval or confirm in writing to the COO that the current version of this policy is still fit for purpose.
33. The COO must submit a list of all confirmed policies to the board at the first meeting of each new academic year.
34. The MAT board must formally review and re-approve this policy every five years.