

Disciplinary Policy

(TPO/STA/22)

Associated Policies

- Teaching Staff Performance, Development and Career Progression (TPO/STA/17)
- Support Staff Performance, Development and Career Progression (TPO/STA/05)
- Grievance Procedure (TPO/STA/23)
- Complaints (TPO/QA/02)
- Sickness Absence (TPO/STA/13)
- Professional and Safe Conduct (TPO/STA/10)
- Dealing with Allegations of Abuse against Staff (TPO/STA/21)

Review Period

Last Review	July 2024
Next Review	July 2027

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Policy Statement

This policy aims to:

- Help and encourage all employees to achieve and maintain satisfactory standards of conduct
- Set out the procedures for when an employee's conduct falls below the expected standard
- Ensure that all employees are treated fairly and consistently when a disciplinary issue is being dealt with

The Trust acknowledges that all stages in the policy will operate in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010. The implementation and impact of this policy will be subject to an Equality Impact Assessment. This policy is written in conjunction with the Acas code of practice which can be found [here](#).

This policy is non-contractual and may be amended from time to time.

The disciplinary procedures within this policy have been implemented following consultation with trade union representatives, and the application of the policy will be monitored with recognised Trade Unions.

Scope

The Disciplinary Policy applies to all employees of Brooke Weston Trust.

During probation, the Trust reserves the right to omit steps in this procedure.

Supply teachers and agency workers who are not employed by the Trust are not subject to the procedure set out in this policy, however, in accordance with our safeguarding obligations, they may be subject to investigation and possible exclusion from site whilst the matter is investigated, should an allegation be raised.

Whilst the Trust may take a lead on any investigations, disciplinary sanctions will not be issued by the Trust for workers who are not directly employed. Instead, the Trust may terminate the assignment of the supply teacher or the agency worker, depending on the findings of an objective investigation. The Trust will liaise with the employer of the agency worker or supply teacher throughout the process.

Roles and responsibilities

The CEO has responsibility for ensuring all appropriate policies, systems and training are in place.

The Strategic Delivery Group is responsible for the review and implementation of this policy.

In each school, the Principal is accountable for ensuring compliance with this policy. In central teams, the Heads of Profession and Executive team members are responsible for ensuring compliance with this policy.

The Head of People is responsible for reviewing and updating this policy.

Employees must:

- Follow the formal and informal procedures set out in this policy to manage conduct
- Adhere to the stated timescales when responding to or appealing requests or decisions

The table below sets out the who has authority to hold meetings under this policy:

Meeting type	Authority to hold the meeting (school-based staff)	Authority to hold the meeting (central teams)	HR Support
Informal Stage	Line Manager / Senior manager / Designated Safeguarding Lead (DSL)	Line Manager / Senior manager / Head of Profession / Designated Safeguarding Lead (DSL)	Not required
Investigation	Senior manager / Designated Safeguarding Lead (DSL)	Senior manager / Head of Profession / Designated Safeguarding Lead (DSL)	HR support
Formal Hearing (no dismissal)	Senior Manager	Senior Manager/ Head of Profession	HR support
Formal Hearing (potential for dismissal)	Principal	Head of Profession/ Exec team member	HR support
Appeal hearing – first or final	Principal/ Executive Principal/ Director of Primaries/ Director of Education	Exec team member/ CEO	HR support
Appeal hearing – dismissal	A panel of 2 selected by the Head of People (see appeals section for further information)	A panel of 2 selected by the Head of People (see appeals section for further information)	HR support

In Schools, a Senior Manager is a member of the Senior Leadership Team. In the Central Team a Senior Leader is someone with Leadership Terms and Conditions.

Where a Senior Manager, Principal, Head of Profession or Executive team member is the subject of this procedure, a more senior employee or employees must hold the meetings under this procedure. Where the subject of the procedure is the CEO, a member of the Board of Directors must hold the meetings.

Reasonable adjustments

The Trust is committed to making reasonable adjustments to the Disciplinary Procedure under the Equality Act 2010. If you have a disability and would like to discuss adjustments, please discuss this with the manager who is leading the process or with your People Business Partner.

Support and wellbeing

The Trust provides support for all its staff through a 24/7 advice and support line. Counselling can also be provided. When an allegation is raised against you, this can be difficult to deal with, and we would advise all our staff to consider using this support line. If you are suspended during a disciplinary investigation, you will be provided with a contact who can support you through the process.

Informal Stage

It is likely that initial investigations will be required to establish what the next course of action should be once an allegation has been made. A senior manager or Designated Safeguarding Lead (DSL) should seek to establish the basic facts of the situation. This may involve, looking at records, speaking to witnesses, reviewing CCTV (where appropriate and with reference to GDPR).

The initial investigations should be completed within 7 calendar days of the allegation being made. You will be informed if this time period needs to be extended.

You may be invited to a preliminary fact-finding meeting to establish the basic facts. This should be done within the first 24 hours of the alleged incident where possible. The relevant senior manager in the table below will then decide if a disciplinary investigation is necessary.

Informal Management Advice

There may be occasions where misconduct issues can be dealt with informally at first, and will be escalated only where:

- There has been no resolution
- The issue is more serious
- There are repeated or multiple instances of misconduct
- There is suspected gross misconduct

When dealing with an issue informally, you will be invited to a meeting to set out the concerns. You will be reminded of the expected standard of behaviour and support will be discussed and considered to help you improve. Notes will be taken and retained and an Informal Management Advice Letter will be issued detailing the discussion and any agreed actions or support.

Should there be further instances of the same issue following the Informal Management Advice, this is likely to result in formal proceedings.

If the issue cannot be dealt with informally, for example if the issue is considered too serious for Informal Management Advice, formal procedures will begin.

Criminal Charges

If you are subject to criminal investigation, you must inform your direct line manager, and if working in a school, the Principal at the earliest opportunity. We will seek advice and guidance as to whether or not it should wait for the outcome of the criminal investigation before deciding what action to take, if any.

If you have been advised not to attend an investigation meeting or disciplinary hearing due to a pending criminal matter, the Trust will consider the evidence available to make a balanced judgement.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered relevant to your employment.

Where a criminal investigation relates to allegations of abuse of children or young people, the Trust will co-operate and share information with the relevant agencies as appropriate.

In some circumstances it will be appropriate to suspend you from duty temporarily, and the section below on suspension should be followed in this instance.

Allegations

It is not always possible when raising an allegation to keep the matter confidential. Allegations which involve issues of child protection and/or abuse of children by staff as set out in Keeping Children Safe in Education should be referred immediately to the Designated Officer at the relevant local authority. This part of the guidance should be followed where it is alleged that anyone working in the Trust, including supply teachers, volunteers and contractors has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates that they would pose a risk of harm if they work regularly or closely with children;
- behaved or may have behaved in a way that indicates they may not be suitable to work with children.

Dealing with Allegations of Abuse against Staff (TPO/STA/21) provides further guidance regarding the management of this type of allegation. No further action under this procedure should be taken until the Designated Officer at the local authority has been consulted.

Disciplinary Procedure

Wellbeing support during the disciplinary procedure

If you are the subject of a disciplinary procedure, you will be provided, with your agreement, with a mental health ambassador who can support you through the process. This could be a mental health first aider, an HR representative, or a manager. Your contact will not have any involvement in the disciplinary procedure affecting you. You may decline this support should you wish to continue without it.

Suspension

In some circumstances it will be appropriate to suspend you from duty temporarily, for example where there is suspected gross misconduct, where there may be harm to other colleagues or students, or to protect the integrity of the investigation. This does not amount to a presumption of guilt or constitute disciplinary action in of itself.

Where this is necessary:

- Suspension will only be carried out after a suspension risk assessment is completed and discussed with the People Business Partner or Head of People. Click [here](#) to access the suspension risk assessment.
- Alternatives to suspension will always be considered and suspension will be a last resort. Alternatives include re-organisation of duties, work location or temporary redeployment to another role. The nature and severity of the allegations, in particular potential safeguarding risks, will also be considered.
- You will be informed of the suspension in a face-to-face meeting, held in person or over video conferencing, if necessary, followed by a notification in writing within seven calendar days
- You will be permitted to be accompanied to the meeting by either a colleague or trade union representative
- You will be suspended on full pay
- The period of suspension will be no longer than is reasonably necessary and will be kept under review
- While suspended, you should not visit any of the Trust's premises or contact any parents, pupils, governors or staff, regarding the allegations or your suspension, unless authorised to do so by the person who authorised the suspension. You are still able to maintain social contact with friends as long as the suspension is not discussed, and the contact does not prejudice the investigation.
- You will be provided with the details of a contact person who will support you through the period of suspension. They will ensure that you are kept informed as to the progress of the investigation and will check on your wellbeing. You can contact this person if you need anything at all from the Trust whilst you are under suspension.
- Dealing with Allegations of Abuse against Staff (TPO/STA/21) provides more information about how allegations are dealt with that mean the harm threshold.

Authority to instigate an investigation or authorise a suspension:

Role of person under investigation	Role(s) eligible to instigate an investigation or authorise suspension
Staff based at school site	Principal, Executive Principal, Director of Primaries, Director of Education, CEO
Staff based in central teams	Executive team, CEO
Principal	Executive Principal, Director of Primaries, Director of Education, CEO
Executive Principal / Director of Primaries	Director of Education, CEO
Director of Education / Executive Team member	CEO
CEO	Chair of the Board

Investigation

An independent investigating officer will be appointed should the informal fact-finding meeting determine this is necessary, or where the allegation is serious enough to warrant an immediate disciplinary investigation. The investigating officer will be appointed by the person who took the decision to instigate the investigation. The investigating officer will normally be a senior manager or Designated Safeguarding Lead (DSL).

The Trust may, at its discretion, choose to appoint an external investigating officer.

Before a disciplinary hearing takes place, the investigating officer will gather the facts of the case and evidence. The investigating officer will hold an investigation meeting with you and, if necessary, hold investigatory meetings with identified witnesses and review other evidence, such as CCTV or written or electronic records.

All those interviewed will have the opportunity to review the meeting notes, make amendments for clarification purposes and sign and date the record.

If you are the subject of the investigation, you will have the opportunity to bring a workplace colleague or trade union representative should you choose. These arrangements must not unnecessarily delay the investigation. Your school will make allowances for you to attend the required meetings and you will be required to cooperate fully with the investigation.

Witnesses should make all efforts to participate in the investigation. If you require any wellbeing support as a result of being called as a witness to an investigation, please discuss this with your manager or HR representative.

If the investigating officer determines that the matter should move forward to a formal disciplinary hearing, a chair will be appointed for the disciplinary hearing. This will be a person independent from the investigating officer.

The investigating officer will compile a report with their findings and recommendations and submit this along with all evidence to the chair of the disciplinary hearing.

The employee will be informed of the outcome of the investigation in writing. Should a disciplinary hearing be required this will take the form of an invitation to the disciplinary hearing.

Notification

If it is decided that there is a disciplinary case to answer, you will receive a written notification 7 calendar days before the hearing. The hearing could be sooner if it is agreed by both parties. The notification will include:

- Details of the alleged misconduct and its possible consequences
- Copies of any written evidence, including witness statements
- The time, date and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant)
- A statement that you have the right to be accompanied by a colleague or a trade union representative
- Notification that the Trust intends to call witnesses (if relevant)

You may also call witnesses. If this is the case, you should notify the Trust as soon as possible through the contact details provided in the disciplinary invitation letter.

You may submit evidence for the hearing bundle. Timelines for the submission of this evidence will be contained in the letter and should not be less than 3 calendar days before the hearing.

The table below shows who will be in attendance at the hearing:

	Subject of the hearing is school-based	Subject of the hearing works in the Trust's central team
Stages 1 & 2	Senior Manager/ Principal (chair) HR Adviser Investigating officer Employee Employee's companion (optional) Note-taker (if technological solution is not possible)	Senior Manager/Head of Profession (chair) HR Adviser Investigating officer Employee Employee's companion (optional) Note-taker (if technological solution is not possible)
Stage 3 (possibility of dismissal, including gross misconduct)	Principal (chair) HR Adviser Investigating officer Employee Employee's companion (optional) Note-taker (if technological solution is not possible)	Head of Profession/Executive Team member (chair) HR Adviser Investigating officer Employee Employee's companion (optional) Note-taker (if technological solution is not possible)

The person chairing the hearing must always be more senior than the employee who is the subject of the hearing. Should the subject of the hearing be at Principal level or above, the Trust must call on the Executive Principal, Director of Primaries, member of the Executive Team, member of the Board of Governors, or Chair of the Board, as appropriate.

Disciplinary hearing

Before the hearing, the employee will receive a copy of the investigation report and all evidence and that will be relied upon during the procedure.

The agenda of the meeting will follow the format in [Appendix 2](#).

At the hearing, the person conducting the hearing will explain the case against the employee and go through the evidence that has been gathered. The investigating officer will present the management's case.

You will be allowed to set out your case and answer any allegations that have been made. You will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. You will also be given an opportunity to raise points about any information provided by witnesses.

Any employee attending a meeting that may result in a formal warning being issued, disciplinary action being taken, or the confirmation of either of these, has a statutory right to be accompanied by a colleague or a trade union representative. The employee must make the Trust aware of the name of the representative as soon as possible.

If the chosen companion is not available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 7 calendar days after the original date. The meeting may go ahead in the employee's absence should this timeline fail to be met in order to avoid unnecessary delays to this procedure.

The companion can address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

A work colleague is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

A companion who is not a colleague or trade union representative may be allowed to attend as a reasonable adjustment in respect of a disability, or if the employee has difficulty understanding English. This will be at the discretion of the chair of the hearing.

Failure to attend a disciplinary hearing, or to arrange a revised date within 7 working days of the original date, may lead to the meeting may go ahead in the employee's absence.

The Chair may adjourn the disciplinary 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. The employee will be given at least 7 calendar days to consider any new information obtained before the hearing is reconvened.

You will be informed in writing of the decision and the reasons for it, within 7 calendar days of the disciplinary hearing. The letter, which will be sent to both the employee and the representative, will also set out your right to appeal the decision and how to do so.

Disciplinary Sanctions

The hearing will be adjourned and a decision about whether a disciplinary sanction is necessary will be taken. The employee will be informed of the decision in writing within 7 calendar days.

Actions taken may be:

- Management advice where it is decided that the action was not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the employee's behaviour, such as a training course or occupational health support
- A first written warning for a first instance of misconduct. A further instance may result in a final written warning. A first written warning will remain active for 12 months. The written warning will explain that a further instance of misconduct or no change in behaviour within this timeframe will result in a final warning. The conduct will be reviewed at the end of a warning's active period and if it has not improved sufficiently the active period may be extended.
- A final written warning where the employee has already received a first warning, or where the employee's misconduct was sufficiently serious. The final written warning will remain active for 12 months. A further instance within this timeframe may result in demotion or dismissal. The conduct will be reviewed at the end of a warning's active period and if it has not improved sufficiently the active period may be extended.
- Dismissal where there has been gross misconduct or a final written warning has already been given
- Alternatives to dismissal the chair of the dismissal hearing may find that as an alternative to dismissing you, it is possible to redeploy you into another role within the Trust.

Note: warnings will remain active for 18 months if the warning has been issued for a safeguarding concern or anything relating to child welfare.

We may refer a case of gross misconduct to the Disclosure and Barring Service and the Teaching Regulation Agency, as applicable, if we believe the case is so severe that there may be or may have been a risk to children. We will also refer cases to other relevant authorities where appropriate.

Dismissal

Dismissal may be considered when:

- the employee has already been issued a final written warning; or
- the employee is in a probationary period; or
- the employee has been found to have committed an act of gross misconduct. A non-exhaustive list of gross misconduct can be found at Appendix 1. Should an employee be found guilty of gross misconduct they will be dismissed summarily, with immediate effect and without notice.

Appeals process

The employee has the right to appeal any sanction. Appeals must be made in writing within 7 calendar days of the decision, setting out at the same time the grounds for appeal. This should be done by using the Appeals Form which you can download [here](#). Appeals must be addressed to the Head of People.

A disciplinary appeals panel will be appointed by the Head of People in accordance with the table below. The appeal will be dealt with impartially and by senior leaders or governors who have not previously been involved in the case.

If the Head of People is the subject of the disciplinary procedure, the Chief Operations and Resources Officer will take this role instead.

Table to show roles and responsibilities during the appeal process:

	Subject of the hearing is school-based	Subject of the hearing works in the Trust's central team
Where the disciplinary decision was a first or final written warning	<p>One person in one of the following roles: Principal/ Executive Principal/ Director of Primaries/ Director of Education</p> <p>Chair of disciplinary hearing</p> <p>HR representative and Note-taker (if technological solution is not possible)</p> <p>Employee</p> <p>Employee's companion (optional)</p>	<p>One person in one of the following roles: Executive team member/ CEO</p> <p>Chair of disciplinary hearing</p> <p>HR representative and Note-taker (if technological solution is not possible)</p> <p>Employee</p> <p>Employee's companion (optional)</p>

<p>Where the disciplinary decision was dismissal including gross misconduct</p>	<p>Either: Executive Principal/Director of Primaries/Director of Education</p> <p>Plus one more employee in the following role: School Governor, Principal.</p> <p>Chair of disciplinary hearing</p> <p>HR representative and Note-taker (if technological solution is not possible)</p> <p>Employee Employee’s companion (optional)</p>	<p>Either: Any Executive team member or CEO</p> <p>Plus one more employees in the following role: Principal, School Governor, other Executive team member</p> <p>Chair of disciplinary hearing</p> <p>HR representative and Note-taker (if technological solution is not possible)</p> <p>Employee Employee’s companion (optional)</p>
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Sanctions, up to and including dismissal, will not be delayed in order to hear the appeal, but sanctions may be overturned as a result of the appeal, up to and including reinstatement.

Appeals will be heard without unreasonable delay and at an agreed time and place (in person, or over video conferencing if relevant). There is a statutory right to be accompanied as with formal disciplinary hearings.

The agenda of the meeting will follow the format in [Appendix 3](#). Notes will be taken, and a copy sent to the employee and their representative.

The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.

Should further evidence come to light during the appeal process, all parties will be given 7 calendar days to consider this before the appeal hearing is held or reconvened.

Possible outcomes include:

- Upholding the original decision;
- Overturning the original decision; or
- Substituting a different sanction. Ordinarily a sanction will not be increased on appeal unless there is new information or evidence being available that requires further investigation.

The employee will be informed in writing of the results of the appeal hearing within 7 calendar days.

Special cases

If the employee involved in a disciplinary procedure is also the trade union representative, we will notify the union and discuss the matter with an official employed by the union before action is taken, after obtaining the employee's agreement. The procedure will continue as normal.

If the employee who is subject to disciplinary procedures raises a grievance about the disciplinary allegations, this should be dealt with as part of disciplinary procedure.

If the employee who is subject to disciplinary procedure raises a grievance about something unrelated to the disciplinary, this grievance procedure will run concurrently with the disciplinary procedure.

In cases where a grievance is raised about the application of the disciplinary procedure itself, or the processes therein, we may choose to pause proceedings to investigate these allegations before continuing.

Record keeping

Minutes will be kept of all interviews and meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law and our [privacy notice for staff](#).

If disciplinary action is taken, a record of this will be added to your personnel file. We will disclose any proven disciplinary offences where warnings are still active if a reference is requested by a future employer. If it is evidenced that the harm threshold is met, then the warning will have no expiry date and will be disclosed to a future employer if requested regardless of the length of time that has passed.

Confidentiality

We will deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

No attendee of the meeting may make an electronic recording without the consent of all parties. Any employee who does so without permission will be managed under the Disciplinary Policy.

Employees will be told the names of any witnesses and provided with the evidence relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity or particular evidence should remain confidential as advised by external agencies e.g. the police, or where protected by whistleblowing or safeguarding legislation

Monitoring arrangements

This policy will be reviewed every three years but may be revised as needed in consultation with the recognised trade unions.

This policy will be approved by the Trust’s Strategic Delivery Group.

Document control

Date of last review:	July 2024	Author:	ACA
Date of next review:	July 2027	Version:	5
Approved by:	Strategic Delivery Group	Status:	Ratified

Summary of Changes:

	Previous version	Current version
Roles and responsibilities	<p>Management – take action where conduct is unacceptable, facilitate implementation of the procedure, provide information to trade union representative</p> <p>Principal - Lead employee conduct & behaviour, implement procedures, managing conduct and setting standards, determine if investigation is required, make contact with trade union</p> <p>Employees – achieve expected standard of conduct, inform about unacceptable behaviour of others, cooperate with the investigation, provide information to the companion</p>	<p>Amended all roles and responsibilities in accordance with the operational scheme of delegation</p> <p>Employees – must follow procedures in the policy and adhere to any timescales set out</p>
Notice for informing employees of a formal meeting	Up to 10 calendar days	7 calendar days
Writing to inform of meeting outcome	Usually 5 working days but no more than 10 calendar days	7 calendar days
First written warning remains live for...	12 months	12 months or 18 months where relating to a safeguarding concern / child welfare
Final written warning remains live for	18 months	12 months or 18 months where relating to a safeguarding concern / child welfare
Authority to issue initial and final formal warnings	CEO (central teams) First warning – Principal / Snr Manager & Final warning – Principal, Exec Principal, CEO (schools)	Senior Manager (schools) Senior Manager/Head of Profession (central teams)
Authority to dismiss	Panel of 3 principals of the same phase (primary or secondary) – schools OR: Panel of CEO, Exec Principal and Board member – central teams	Principal (schools) Head of Profession or exec team member (central teams)

Maximum delay to accommodate companion	5 working days	7 calendar days
Time allowed for appeal	5 working days	7 calendar days
Appeals sent to	Clerk of the Board	Head of People, and the Head of People will be responsible for convening the panel for the appeal hearing
Appeal panel consists of...	Trust appeals committee, same at each stage of the procedure, comprising: Different panel to the disciplinary including Exec Principal where necessary.	Written and final written warnings: <u>Schools:</u> Principal/ Executive Principal/ Director of Primaries/ Director of Education – one person only <u>Central Teams:</u> Executive team member/ CEO (depending on seniority of the person giving the warning) Dismissal: <u>Schools:</u> Panel of two as listed in the table
Who else is in attendance at the appeal hearing	The Investigating Officer and/or a HR representative and/or the manager who Chaired the disciplinary hearing will also usually be present. HR Adviser, employee, companion.	Manager who issued the warning / Manager who dismissed the employee HR representative Note-taker Employee Companion (optional)
Time to confirm outcome of appeal	5 working days	7 calendar days
Suspension – who can authorise a suspension	Principal, Executive Principal, CEO, or the Chair of the Board	Principal, Executive Principal, Director of Primaries, Director of Education, Exec Team member, CEO, Chair of the Board
Authorisation to visit school premises during suspension or discuss suspension with others	Principal	Person who authorised the suspension.
Initial fact-finding	Appropriate manager usually member of the SLT	Senior manager or DSL
Decision to launch investigation	Principal (schools) CEO (central teams)	Same as the person who can authorise a suspension.
Investigation	Senior manager	Senior manager or DSL
Agency workers/supply teachers	Can be suspended	Are excluded from the premises whilst the investigation takes place Assignment may be ended rather than disciplinary sanctions
Witness to be accompanied	Yes	No
Wellbeing support	N/A	For anyone going through a disciplinary procedure we offer the support of a mental

		health ambassador, who will be unconnected to the procedure and who can provide support and signpost to mental health advice and guidance if needed.
Redeployment	N/A	Redeployment should be considered as an alternative to dismissal
Misconduct and gross misconduct (Appendix 1)	List available at Appendix 1	Revised list

APPENDIX 1: Definitions of Misconduct and Gross Misconduct

The following lists are not exhaustive.

Gross Misconduct

This list of examples is not exhaustive or exclusive, and offences of a similar or serious nature will be dealt with under this procedure. Gross misconduct will result in the initiation or escalation of the disciplinary procedure and may result in summary dismissal without notice or pay in lieu of notice.

Instances of gross misconduct include:

- a) physical violence or assault
- b) abusive behaviour/offensive language directed at pupils, colleagues, governors, contractors, volunteers or members of the public.
- c) intentional discriminatory behaviour, sexual harassment, harassment in relation to any other of the protected characteristics set out in the Equality Act 2010, bullying or violent, dangerous or intimidatory conduct, towards pupils, colleagues, governors, contractors, volunteers or members of the public.
- d) theft or fraud
- e) allegations/concerns/grievances which are proven to be malicious
- f) any abuse of sick pay including undertaking work or study, paid or unpaid, whilst claiming sick pay without the prior knowledge and permission of the school or Trust
- g) gross negligence in failing to attend to or carry out the agreed duties of the post where the risk of serious harm to employees/students/visitors has resulted or was at risk of resulting or causing serious financial loss or risk of serious financial loss
- h) inappropriate relationships with pupils or any other actions that would be classed as a serious safeguarding issue
- i) any other serious safeguarding concern
- j) sexual misconduct at work
- k) serious breaches of confidentiality, including divulging or misusing confidential information
- l) deliberately acting in a way that will cause damage to the Trust's reputation
- m) deliberately damaging the Trust's property
- n) unauthorised use of the Trust's assets and equipment
- o) insubordination e.g. refusal to carry out duties or obey reasonable instructions, except where employee safety may reasonably be in jeopardy
- p) serious breach of rules, policies or procedures, especially those designed to ensure safe operation
- q) possession or consumption of alcohol or drugs whilst on the premises, or intoxication by reason of alcohol or drugs, which could affect work performance in any way or have an impact on other employees
- r) smoking or vaping on school premises
- s) unauthorised or inappropriate use of e-mail, Internet and/or computer systems
- t) falsification of any of the school or the Trust's records including reports, accounts, expenses claims or self-certification forms
- u) bringing unauthorised person(s) onto Trust premises
- v) covert recording of meetings, whether formal or informal, without the consent of those being recorded
- w) demanding or accepting monies or other considerations as a bribe for the use of Trust property, provision of Trust service or the showing of favour on behalf of the Trust
- x) falsification of any information given on an application form for a post to gain advantage whether pecuniary or otherwise
- y) failure to disclose criminal convictions, cautions, bindovers or warning

- z) falsification of registration of pupils or students for personal gain
- aa) any other serious dishonesty
- bb) any criminal offences which make you unsuitable to carry out your role
- cc) Serious departure from the personal and professional conduct elements of the Teachers' Standards
- dd) Actions or behaviours that undermine fundamental British values
- ee) abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils

Misconduct

Misconduct is of a degree less serious than that which would warrant suspension from duty for a first offence, but which could nevertheless lead to dismissal if persistent. The disciplinary procedure must be followed when dealing with misconduct. Some more serious acts of misconduct might justify omitting the first stage of disciplinary procedures by issuing a final warning in the first instance, if there is no satisfactory explanation. Only when it can be shown that the warnings have not been heeded will misconduct lead to action being taken which will lead to an employee's dismissal. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment

Instances of misconduct include:

- a) unauthorised absence or persistent lateness from work
- b) failure to comply with sickness absence reporting procedures
- c) using inappropriate language in front of pupils
- d) failure to follow the policies, practices and requirements of the Trust
- e) inappropriate use of the trust's facilities
- f) failure to comply with reasonable instructions from senior staff
- g) Dishonesty - petty wrongs, for example:
 - i. excessive private telephone calls and/or use of internet for personal use and/or sending of personal emails;
 - ii. failure to report any loss and/or damage to any property issued to or by the employee in connection with his/her employment.
- h) neglect of duty, for example:
 - i. failure to adopt safe working practices/use protective equipment where required by law or management;
 - ii. negligent use of school property in such a way as is likely to cause serious damage or loss;
 - iii. failure to carry out contractual or statutory duties
 - iv. failure to exercise proper control or supervision of pupils or students.
 - v. undertaking additional employment outside normal working hours without prior agreement which would be detrimental to the work to be performed as a full-time employee of the Trust or academy

APPENDIX 2: Model agenda for disciplinary hearing

1. Introductions

The Chair of the hearing introduces themselves and invites all others to introduce themselves. The Chair then runs through the agenda. The Chair advises that either party may request an adjournment during the course of the hearing.

2. Nature of the complaint

The Chair specifies the allegation and checks that all parties have the relevant documents.

3. Presentation by management

The Investigating Officer presents the management's case and calls any witnesses.

4. Questions by member of staff

The employee and/or representative may question the Investigating Officer and each of the management's witnesses after they have given their primary evidence.

5. Questions by the Chair of the hearing

The Chair may question the person presenting the management's case and each of the management's witnesses after they have given their primary evidence and been asked any questions by or on behalf of the employee.

6. Presentation by employee

The employee and/or the representative presents their case. Witnesses may be called.

7. Questions by the Investigating Officer

The Investigating Officer may question the employee and each of the employee's witnesses after they have given their primary evidence.

8. Questions by the Chair of the hearing

The Chair may question the employee, representative and each of the employee's witnesses after they have given their primary evidence and have been asked any questions by the Investigating Officer.

9. Final statement by management

The Investigating Officer may make a final statement.

10. Examining of witnesses

Each side may re-examine their witnesses after they have been asked questions by the other side.

11. Final statement by employee

The employee and/or representative may make a final statement.

12. Adjournment

The meeting is adjourned to allow the Chair to come to a decision. The HR representative remains to provide procedural advice to the Chair. The parties may be asked to remain available in case the Chair needs to clarify any point.

13. Meeting reconvened / decision

Once the Chair has reached a decision, they may choose to call the employee and their representative back to the meeting to deliver the outcome. Alternatively, the Chair may decide that the outcome will be delivered in writing. If the latter, the Chair will advise the employee and their representative of this.

The Chair sets out the reasons for the decision including how evidence from the Investigating Officer and the employee and/or representative has been taken into consideration. The Chair will outline any mitigating factors that have been presented, and how these have impacted on the decision. If the Chair has delivered the outcome in person, they will then outline the route to appeal and advise that the outcome will be confirmed in writing.

APPENDIX 3: Model agenda for appeal hearing

1. Introductions

The Chair of the Appeal Panel introduces themselves and invites all others to introduce themselves. The Chair then runs through the agenda. The Chair advises that either party may request an adjournment during the course of the hearing.

2. Nature of the complaint

The Chair of the Appeal Hearing specifies the allegation and checks that all parties have the relevant documents.

3. Presentation by member of staff

The employee and/or representative present their case. Witnesses may be called.

4. Questions by the Chair of the Disciplinary Hearing

The person who made the decision to issue the sanction at the Disciplinary Hearing may question the employee and each of the employee's witnesses after they have given their primary evidence.

5. Questions by the Chair of the Appeal Hearing and/or panel members

The Chair of the Appeal Hearing (and each member of the panel if applicable) may question the member of staff and each of the employee's witnesses after they have given their primary evidence and have been asked any questions by Chair of the Disciplinary Hearing.

6. Presentation by the Chair of the Disciplinary Hearing

The Chair of the Disciplinary Hearing presents the management's case and calls any witnesses.

7. Questions by employee

The employee and/or representative may question the Chair of the Disciplinary Hearing and each of the management's witnesses after they have given their primary evidence.

8. Questions by the Chair of the Appeal Hearing and/or panel members

The Chair of the Appeal Hearing (and each member of the panel if applicable) may question the person presenting the management's case and each of the management's witnesses after they have given their primary evidence and been asked any questions by or on behalf of the employee.

9. Examining of witnesses

Each side may re-examine their witnesses after they have been asked questions by the other side.

10. Final statement by employee

The employee and/or representative may make a final statement.

11. Final statement by management

The Chair of the Disciplinary Hearing may make a final statement.

12. Adjournment

The meeting is adjourned to allow the Chair (and the panel where applicable) to come to a decision. The HR representative remains to provide procedural advice to the Chair. The parties may be asked to remain available in case the Chair needs to clarify any point.

13. Meeting reconvened / decision

Once the Chair has reached a decision, they may choose to call the employee and their representative back to the meeting to deliver the outcome. Alternatively, the Chair may decide that the outcome will be delivered in writing. If the latter, the Chair will advise the employee and their representative of this.

The Chair sets out the reasons for the decision including how evidence from the Investigating Officer and the employee and/or representative has been taken into consideration. The Chair will outline any mitigating factors that have been presented, and how these have impacted on the decision. If the Chair has delivered the outcome in person, they will then explain that there is no further route to appeal and advise that the outcome will be confirmed in writing.