



Education Learning Trust Multi Academy Trust

Disciplinary Policy

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1. Policy statement

- 1.1** The aims of this Disciplinary Procedure and its associated Disciplinary Rules are to set out the standards of conduct expected of all staff and to provide a framework within which Education Learning Trust can work with employees to maintain satisfactory standards of conduct.
- 1.2** It is the Trust’s policy to ensure that any disciplinary matter is dealt with fairly and consistently and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.
- 1.3** No-one will be treated less favourably on the grounds of their gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status. Furthermore, ELT recognises its responsibility to ensure the implementation of the rules of natural justice as part of this policy: ie the employee should know the nature of the accusation against them; the employee should have an opportunity to state their case; management should act in good faith.
- 1.4** This procedure does not form part of any employee's contract of employment and it may be amended at any time following consultation. By mutual agreement with the employee, ELT may also vary application of this procedure, including any time scales for action, as appropriate.
- 1.5** This policy has been formally adopted by the Trust following consultation with staff and recognised trade unions.

2. Scope and purpose of policy

- 2.1** The procedure applies to all employees regardless of length of service excluding those in their probationary period where separate arrangements apply. It does not apply to supply staff, contractors or volunteers. Further information can be

found in the Allegations and Concerns Raised in Relation to Staff, Supply Staff, Contractors and Volunteers Policy.

- 2.2 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases reference should be made to the appropriate policy or procedure.
- 2.3 Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file. In some cases an informal verbal warning or instruction may be given, which will not form part of the disciplinary records but may be referred to as part of any future disciplinary proceedings where appropriate. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation). Employees will not normally be dismissed for a first act of misconduct, unless the Trust decides that the conduct amounts to gross misconduct or the employee has not completed a probationary period.
- 2.4 As recognisable figures in the local community the behaviour and conduct of staff in the Trust outside of work can impact on their employment, particularly if it may make an individual unsuitable to work with children. This is known as a transferable risk. Therefore, conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment (see disciplinary rules). An assessment of transferable risk should be undertaken and if in doubt seek advice from the LADO
- 2.5 The Trust offers access to confidential counselling through the Employee Assistance Programme. Available on request from line-managers, the details to access this service are as follows: Health Assured: Telephone [0800 470 0568](tel:08004700568) or by the 'My Health Assured' APP or website <https://www.healthassured.org>
- 2.6 This policy operates in conjunction with the following policies:
 - (i) ELT Records Management Policy
 - (ii) ELT Staff Code of Conduct
 - (iii) ELT Safeguarding and Child Protection and Policy
 - (iv) ELT Grievance Policy

3. Confidentiality and data protection

- 3.1 It is the aim of the Trust to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with an investigation or disciplinary matter as confidential during or after an investigation into an allegation.

- 3.2 A breach of confidentiality will be taken seriously and may warrant its own investigation.
- 3.3 Employees, and anyone accompanying them (including witnesses), must not make electronic voice or video recordings of any meetings or hearings conducted under this procedure. This must be communicated to all parties before the meeting in the invite letter.
- 3.4 Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity should remain confidential.
- 3.5 The amended Education Act 2002 introduced reporting restrictions, in respect of any allegations made against a teacher, preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press. If for any reason School/Trust need to make parents aware of any allegations, they should equally make them and others aware there are restrictions on publishing information.
- 3.6 During informal action, formal investigation and any subsequent stages of the procedure, the Trust will collect, process and store personal data in accordance with the ELT Data Protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with the ELT Workforce Privacy Notice, ELT Records Management Policy and in line with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

4. Allegations

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

5. Investigations

Preliminary investigation

- 5.1 Upon receiving any allegations against employees, it is likely that further information will be required to establish what the next course of action should be. The headteacher should seek to appoint an appropriate professional, e.g. deputy headteacher, to establish the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.
- 5.2 Where possible, potential disciplinary issues should be resolved informally by drawing the employee's attention to the perceived unsatisfactory conduct, discussing the situation and the standards of conduct that are required, and agreeing an appropriate way forward, including any improvement required.
- 5.3 A preliminary investigation meeting may be held with the employee to establish the basic facts of the circumstance and to enable the headteacher to determine whether further investigation is required. Such a meeting can sometimes give a reasonable explanation in response to allegations which then enables the matter to be concluded. Consideration should be given to any difficulties that an employee may be facing and a genuine attempt should be made to help the employee to overcome them. Where considered appropriate, managers should seek professional medical opinion and advice when managing staff who may be suffering from mental illness, alcohol or substance abuse. A preliminary meeting will not be required in all cases and it is for the headteacher to decide if this is appropriate.

Further investigation

- 5.4 After a preliminary investigation where it is determined that there is a need for investigation, or if the concerns are serious enough to warrant a full investigation immediately, the headteacher will usually appoint an Investigating Officer who has had no prior involvement in the case, to carry out the investigation. This will be an appropriate person to the nature of the allegations and the role of the employee. In the case of allegations made against the headteacher, the chair of governors will be responsible for the management of the procedure and determining an appropriate investigating officer, either internally or externally. For allegations made against a member of the central trust team, an appropriate senior manager will be responsible and the chair of the trust board will be responsible if an allegation is made against the CEO.
- 5.5 The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations made against an employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.
- 5.6 It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents and other information.

- 5.7 It may be necessary to interview witnesses who may have information that is relevant to the allegations. Witnesses have the right to have Trade Union representation at the interview. Employees should be given notice of at least five working days in advance of any investigation meetings/interviews. Witnesses should be advised to seek advice as appropriate.
- 5.8 A written record of the meeting will be made and the witness will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record. The Trust recognises that some employees may find this difficult or worrying, however all employees are expected to fully participate in any such investigation.
- 5.9 Investigation meetings are solely for the purpose of fact-finding and no decision on formal disciplinary action will be taken until after a disciplinary hearing has been held. A written record of the meeting will be made and the employee will have the opportunity to review the record, make amendments for clarification purposes and sign and date the record.
- 5.10 Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information and attending investigative interviews if required. As each investigation will vary in length and complexity it will be completed in as short a time frame as possible.
- 5.11 In very complex cases or exceptional circumstances, a reasonable timescale will be agreed by mutual consent. In all cases regular contact will be maintained with the employee.
- 5.12 The role of the investigating officer is to gather evidence and produce a report that will recommend whether:
- (i) no further action is required
 - (ii) management guidance is appropriate
 - (iii) training is required
 - (iv) the case should be referred to a hearing
 - (v) whether the matter is potentially one of gross misconduct.
- 5.13 If other areas of concern arise during the process that require further investigation, the investigating officer will adjourn the meeting/investigation in order to undertake this.
- 5.14 If there is no case to answer, the matter will be closed, the employee informed in writing and all documentation removed from the employee's file. If the matter does not warrant a disciplinary hearing, the head teacher may arrange counselling or take informal action. If on completion of the investigation the investigating officer is satisfied, that the alleged misconduct warrants a hearing, they will inform the employee and a disciplinary hearing will be arranged.

6. Criminal charges

- 6.1 Where conduct is the subject of a criminal investigation, arrest, charge or conviction the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances. Employees should inform their headteacher immediately if they are involved in a criminal investigation, arrest, or are subject to a charge or conviction. Failure to notify their line manager may result in disciplinary action.
- 6.2 The School will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where employees are unable or have been advised not to attend an investigation meeting or disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.
- 6.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.
- 6.4 Where a criminal investigation relates to allegations of abuse of children or young people the School will co-operate and share information about the employee with other relevant agencies as appropriate following advice from the Local Authority Designated Officer (LADO).

7. Suspension

- 7.1 In some circumstances it may be necessary to suspend the employee from work, in particular where there are either reasonable grounds to suspect a member of staff, child or other children at School are at risk of harm or the case is so serious that it might be grounds for dismissal. **The decision to suspend any person employed by the Trust must first be reviewed by the CEO.** The suspension will be for no longer than is necessary to conclude the disciplinary process. The arrangements and the reasons for suspension will be confirmed to the employee in writing as soon as possible or within one working day if in relation to a safeguarding concern or allegation.
- 7.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has been made about the allegations. Employees will continue to receive normal salary and benefits during the period of suspension and be provided with an appropriate, named contact within School/Trust who will provide welfare support
- 7.3 Alternatives to suspension, for example re-organisation of duties, work location, temporary redeployment to another role, providing an assistant to be present when the individual has contact with students, moving the student/s to a different class where they will not come into contact with the member of staff etc will be explored where relevant before a decision to suspend is made. The

School/Trust should be as inventive as possible when considering alternative options to suspension. The nature and severity of the allegations will need to be considered as well as the employee's role and if their continued presence would result in potential harm to the organisation or others, or make it difficult to investigate. A written record will be provided to the employee including any limitations on duties/contacts etc

- 7.4 Where allegations are made that involve the protection of children, suspension will not be considered to be automatic. A reasoned decision will be made based on all available information in consultation with the Local Authority Designated Officer (LADO), including the views of the police and social care. Additional information on the management of these allegations is available in the Allegations and Concerns Raised in Relation to Staff, Supply Staff, Contractors and Volunteers Policy.
- 7.5 The suspension will be kept under review as the investigation progresses. As information is gathered, it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing. A suspended employee should be assigned a contact officer who should be a senior member of staff not involved with the case. The contact officer will review the suspension at regular intervals (every two weeks where appropriate) and advise the employee of progress with the case.
- 7.6 The School will not prevent social contact with work colleagues and friends during the suspension unless there is evidence to suggest this may prejudice the gathering of evidence.
- 7.7 In the case of the headteacher, the investigating officer will submit a report to the CEO with a copy to the chair of the AGB. The CEO and the chair of the AGB will decide if any further action is required and whether there needs to be a formal disciplinary hearing by the trust board.
- 7.8 The decision to suspend an employee can be made according to the Trust's Scheme of Delegation. The lines of authority are the same as those for dismissal.
- 7.9 The School/Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead, the Trust will cease to use the services of that member of agency staff or self-employed contractor but not without first finding out the facts and liaising with the LADO to determine a suitable outcome. Further information can be found in the Allegations and Concerns Raised in Relation to Staff, Supply Staff, Contractors and Volunteers Policy.

8. Disciplinary hearing

- 8.1 Following any investigation, if there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The employee will be informed in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if it is decided at the hearing that the allegations are true. The following will also be included where appropriate:
 - (i) the specific nature of the allegation/s

- (ii) a summary of relevant information gathered during the investigation;
 - (iii) a copy of any relevant documents which will be used at the disciplinary hearing; and
 - (iv) a copy of all any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible will be provided while maintaining confidentiality.
 - (v) the date, time and venue of the hearing – with at least 10 working days' notice from receipt of the letter. If the employee or their chosen trade union representative is unable to attend this hearing for a valid reason, a new date will be set within five working days.
 - (vi) the names of intended disciplinary panel members
 - (vii) the right to produce written statements and to call witnesses
 - (viii) the right to representation
 - (ix) a copy of the disciplinary policy.
- 8.2 The headteacher will be responsible for ensuring that all of the arrangements for the hearing are made and that the employee receives the appropriate paperwork and notice of the hearing.
- 8.3 Persons directly involved in the investigative process may present a case or appear as a witness, but may not give advice to, nor sit on, the subsequent disciplinary hearing panel.
- 8.4 Ten working days written notice of the date, time and place of the disciplinary hearing will be given to provide the employee with a reasonable amount of time to prepare their case based on the information that they have been provided with. The hearing will be arranged as soon as is practicably possible.
- 8.5 The School will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. The School must be informed of requirements at least 2 working days before the hearing.
- 8.6 If the employee and/or their companion cannot attend the hearing, they should inform the headteacher immediately and consideration will be given to arranging an alternative time. Employees must make every effort to attend the hearing and failure to attend without good reason may be treated as misconduct in itself. Failure to attend without good reason, or persistent inability to do so (for example for health reasons), may lead to a decision being taken based on the available evidence.
- 8.7 If the employee chooses not to attend the hearing they may choose to send a written statement for consideration at the hearing or their trade union representative may attend on their behalf.

9. Role of Companion at Meetings and Hearings

- 9.1 An employee may bring a trade union representative or work colleague to any hearing or appeal where a formal warning may be issued or dismissal may be a

potential outcome. The companion may be either a trade union representative or a work colleague (who has no prior involvement in the case).

- 9.2 The employee must inform the headteacher conducting the meetings who their trade union representative or work colleague is, in good time before the hearing.
- 9.3 In addition, whilst employees do not normally have the right to bring a companion to an investigation meeting, employees are allowed to bring an official trade union representative or work colleague to the investigation meeting if one is available. No rearrangements will be made to the time and date of the investigation meeting to enable a companion to attend.
- 9.4 Should the employee choose to bring a trade union representative or work colleague to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.
- 9.5 Colleagues are under no obligation to do accompany the employee. If they agree to do so they will be allowed reasonable time off from duties without loss of pay.
- 9.6 If the choice of trade union representative or work colleague is not available at the time a hearing or appeal is scheduled, the employee may propose an alternative time for the hearing or appeal to take place and so long as the alternative time is reasonable and within five working days after the original scheduled date, the meeting will be postponed. If the employee's chosen trade union representative or work colleague will not be available for more than five working days afterwards, the employee may be asked to choose someone else.
- 9.7 A companion may present the case on their behalf, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting.
- 9.8 ELT may, at its discretion, allow the employee to bring a companion to assist the employee, who is not a colleague or union representative (for example, a member of family) as a reasonable adjustment if the employee has a disability, or if they difficulty understanding English.

10. Procedure at disciplinary hearings

- 10.1 The hearing will be chaired by the headteacher or a panel of governors. The Investigating Officer will also normally attend to present the investigation. A member of the Human Resources department may also be present.
- 10.2 At the disciplinary hearing the Investigating Officer will go through the allegations against the employee and the evidence that has been gathered. The employee (or their companion on their behalf) will be able to respond and present any evidence of their own. A format for a disciplinary hearing is attached at Appendix 2.
- 10.3 Relevant witnesses may be asked by the Investigating Officer or the employee to appear at the hearing. The employee must give sufficient advance notice if they wish to call witnesses to ensure that there is time to arrange their attendance. The employee will be given the opportunity to respond to any information given by a witness. However, the employee will not normally be

permitted to cross-examine witnesses unless, in exceptional circumstances, the Chair decides that a fair hearing could not be held otherwise.

- 10.4** 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 a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 10.5** The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the disciplinary hearing. Where possible this information will also be explained to the employee in person.
- 10.6** The written notification will include the following information:
- (i) the exact nature of the misconduct proven
 - (ii) the basis of their decision
 - (iii) the period of time given for improvement, if appropriate, and the standard of improvement expected
 - (iv) the disciplinary sanction being applied and, where appropriate, how long this will last
 - (v) notification of the likely consequences of further proven misconduct
 - (vi) information about the employee's right of appeal, including how they should make it and to whom.

11. Disciplinary Sanctions

- 11.1** The headteacher or panel may find that there is no case to answer and/or refer back to an informal process. Alternatively, the headteacher or panel may give the employee a disciplinary warning or dismiss them.
- 11.2** The usual penalties for misconduct are set out below. No sanction should be imposed without a hearing. The School aims to treat all employees fairly and consistently, and a sanction imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 11.3** A disciplinary warning or dismissal may be authorised by in accordance with the Trust's Scheme of Delegation.
- 11.4** Dismissing CEO - Trustees are responsible and accountable and AGBs must remain informed of the progress of and decision of the case.
- 11.5** Dismissing central (across) Trust staff – The CEO is responsible and accountable in consultation with the AGBs and Trustees must remain informed of the progress and decision of the case.
- 11.6** Dismissing headteachers/heads of school – The CEO is responsible, Trustees accountable and supported by the AGB.
- 11.7** Dismissing all other staff – The headteacher is responsible, the AGB accountable and supported by the CEO.
- 11.8** All of the above are also in accordance with the ELT Capability policy.

First written warning

- 11.9** A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.
- 11.10** A first written warning will usually remain active for twelve months.

Final written warning

- 11.11** A final written warning will usually be appropriate for:
- (i) misconduct where there is already an active written warning on the employee's record; or
 - (ii) misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.
- 11.12** A final written warning will remain active for twelve months. Where a final written warning is issued during the term of a first written warning, the duration of the final written warning will supersede that of the first written warning.

The duration and effect of a warning

- 11.13** Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
- 11.14** After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

Dismissal

- 11.15** Dismissal will usually only be appropriate for:
- (i) any misconduct during the probationary period;
 - (ii) further misconduct where there is an active final written warning on the record; or
 - (iii) any gross misconduct regardless of whether there are active warnings on the record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

12. Appeals against disciplinary action

- 12.1 The employee has the right to appeal against the disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the headteacher within ten working days of the date on which the employee was informed of the decision.
- 12.2 Wherever possible the appeal should be heard within 20 working days of the lodging of the appeal, and the employee should have at least 10 working days' notice of the appeal hearing. The appeals panel should be formed from the governing body with a quorum of three. No member of the disciplinary hearing panel shall be a member of the appeal panel. All documentation presented to the hearing, together with the decision of the head teacher/chair of the panel, as well as any subsequent correspondence, must be made available to the appeal hearing panel. Any new evidence should be copied to all parties at least five working days before the appeal hearing.
- 12.3 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful they will be reinstated with no loss of continuity or pay.
- 12.4 If any new matters are raised during the appeal hearing further investigation may need to be carried out. The Chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will be given 5 days to consider this information before the hearing is reconvened.
- 12.5 The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be no less than five working days. The employee may bring a companion to the appeal hearing (see paragraph 9).
- 12.6 The appeal hearing will be conducted by a more senior manager and different panel of Governors not previously been involved in the case. The hearing may be a complete re-hearing (which would follow the format for hearings at Appendix 3) 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 (in which case the format would be reversed so that the appellant would present their appeal first). This will be at the headteacher's/governor's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 12.7 Following the appeal hearing the headteacher may:
- (i) confirm the original decision;
 - (ii) revoke the original decision; or
 - (iii) substitute 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
- 12.8 The employee will be informed in writing of the decision and the reasons for it, usually within five working days of the appeal hearing. Where possible this

information will also be explained to the employee in person. There is no further right to appeal as the decision is final and binding on all parties.

13. Referrals to external bodies

13.1 In cases where employees in regulated activity are dismissed, or removed due to safeguarding concerns or would have done had they not resigned during a disciplinary process, a referral should be made as soon as possible to the Disclosure and Barring Service (all staff) and Secretary of State (teachers only), where the thresholds for referral are met. This could also include when an individual is suspended and redeployed into work that is not regulated activity. A failure to do so when the criteria is met is a criminal offence.

14. Review of policy

14.1 This policy is reviewed and where appropriate amended annually by the Trust. The application and outcomes of this policy will be monitored to ensure it is working effectively.

14.2 The impact of this policy will be monitored annually to ensure the Trust is meeting its public sector equality duty by reference to the protected characteristics of staff (age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex and sexual orientation). If requested, the results will be shared (anonymised where appropriate) with the recognised trade unions.

Appendix 1 - Disciplinary Rules 1

1 Policy statement

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

2 Rules of conduct

- 2.1 While working for The Education Learning Trust employees should at all times maintain professional and responsible standards of conduct. In particular, they should:
 - I. observe the terms and conditions of their contract, particularly with regard to:
 - (i) hours of work; timekeeping, attendance,
 - (ii) confidentiality;
 - II. Ensure that the Code of Conduct Policy is understood and followed;
 - III. observe all of the School's and Trust's policies, procedures and regulations which are notified to employees from time to time by means of notice boards, e-mail, the intranet or otherwise;
 - IV. take reasonable care in respect of the health and safety of colleagues, pupils and third parties and comply with the Trust's Health and Safety Policy;
 - V. comply with all reasonable instructions given by the headteacher and managers; and
 - VI. act at all times in good faith and in the best interests of the School and Trust and those of the pupils and staff.
 - VII. ensure their behaviour, either inside or outside of work, does not indicate that they may pose a risk of harm to children/not be suitable to work with children
- 2.2 Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

Misconduct

- 2.3 The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Disciplinary Procedure:
 - VIII. Minor breaches of the School's or Trust's policies including the Sickness Absence Policy, No Smoking Policy, Code of Conduct, Attendance Policy, ICT Acceptable Use Policy, and Health and Safety Policy; Safeguarding Policy.
 - IX. Minor breaches of an employee's contract of employment;
 - X. Damage to, or unauthorised use of, the Trust's property;
 - XI. Poor timekeeping or time wasting;

- XII. Unauthorised absence from work;
- XIII. Refusal to follow instructions;
- XIV. Excessive use of the School's telephones, email or internet usage for personal reasons;
- XV. Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff or pupils;
- XVI. Negligence in the performance of duties;
- XVII. Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes; or
- XVIII. Poor attendance.

This list is intended as a guide and is not exhaustive.

Gross misconduct

- 2.4 Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the Trust, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the Trust and the employee. Gross misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).
- 2.5 The following are examples of matters that are normally regarded as gross misconduct:
 - XIX. Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public;
 - XX. Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets, pupil's work, examinations or assessments;
 - XXI. Actual or threatened violence, or behaviour which provokes violence;
 - XXII. Deliberate damage to the buildings, fittings, property or equipment of the School/Trust, or the property of a colleague, contractor, pupil or member of the public;
 - XXIII. Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries;
 - XXIV. Serious failure to follow the School/Trust's child protection procedures;
 - XXV. Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that the employee poses a risk of harm to children/may not be suitable to work with children;
 - XXVI. Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare;
 - XXVII. Serious misuse of the School's/Trust's property or name;
 - XXVIII. Deliberately accessing internet sites at work or at home, using School equipment, which contain pornographic, offensive or obscene material;

- XXIX. Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- XXX. Bringing the School/Trust into serious disrepute;
- XXXI. Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling their duties because of the effects of alcohol or illegal drugs or other substances.
- XXXII. Causing loss, damage or injury through serious negligence;
- XXXIII. Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- XXXIV. Unauthorised access, use or disclosure of confidential information or failure to ensure that confidential information in an employee's possession is kept secure;
- XXXV. Acceptance of bribes or other secret payments;
- XXXVI. Conviction or caution for a criminal offence that in the opinion of the Trust may affect its reputation or relationships with staff, pupils, parents or the public, or otherwise affects the employee's suitability to continue to work for us;
- XXXVII. Possession, use, supply or attempted supply of illegal drugs;
- XXXVIII. Serious neglect of duties, or a serious or deliberate breach of an employee' contract or operating procedures;
- XXXIX. Unauthorised use, processing or disclosure of personal data contrary to the ELT Data Protection Policy;
- XL. Harassment of, or discrimination against, employees, pupils, parents or members of the public, related to any of the protected characteristics contrary to the ELT Equal Opportunities Policy or Anti-harassment and Bullying Policy;
- XLI. Refusal to disclose any of the information required by employment or any other information that may have a bearing on the performance of an employee's duties;
- XLII. Giving false information as to qualifications or entitlement to work (including immigration status);
- XLIII. Making a disclosure of false or misleading information under the ELT Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- XLIV. Making untrue allegations in bad faith against a colleague;
- XLV. Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing policy, Dignity at Work policy, Grievance Procedure, Disciplinary Procedure or otherwise;
- XLVI. Serious misuse of ELT information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of email and the internet) contrary to the ELT ICT Acceptable Use Policy;
- XLVII. Undertaking unauthorised paid or unpaid employment during working hours;
- XLVIII. Unauthorised entry into an area of the premises to which access is prohibited.
- XLIX. Making covert recordings of colleagues or managers

This list is intended as a guide and is not exhaustive.

In some instances, offences, which would normally constitute gross misconduct, may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances, be considered so serious that they constitute gross misconduct.

Appendix 2 – Format for disciplinary hearing

1. Welcome by chair of panel/hearing officer:
 - ask everyone present to introduce themselves and explain their role
 - explain purpose of hearing
2. Presentation of management case by investigating officer including evidence from management witnesses
3. Questions from employee/representative to investigating officer/witnesses
4. Questions from the hearing officer/panel to the investigating officer/witnesses
5. Presentation of employee's case by employee/representative including evidence from employee's witnesses
6. Questions to employee/witnesses from investigating officer
7. Questions to employee/witnesses from the hearing officer/panel
8. Summing up by investigating officer (no new evidence)
9. Summing up by employee/representative (no new evidence)
10. Hearing adjourned and all parties asked to leave whilst hearing officer/panel consider evidence, make a decision on level of sanction (if appropriate)
11. All parties return and employee advised of hearing officer/panel's decision, (sanction and right of appeal)

Notes from the meeting are used to confirm outcome in writing and sent to employee within the timescale set out in the policy