



Inspiring Futures through Learning

Inspiring Futures through Learning

Disciplinary Procedure Policy for all Employees

September 2023 to September 2024

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1	Statutory publication	A	Statutory publication
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**** Policy level:**

1. Trust wide:
 - This one policy is relevant to everyone and consistently applied across all schools and Trust departments with no variations.
 - o *Approved by the IFtL Board of Trustees.*
2. Trust core values:
 - This policy defines the values to be incorporated fully in all other policies on this subject across all schools and Trust departments. This policy should therefore form the basis of a localised school / department policy that in addition contains relevant information, procedures and / or processes contextualised to that school / department.
 - o *Approved by the IFtL Board of Trustees as a Trust Core Values policy.*
 - o *Approved by school / department governance bodies as a relevantly contextualised school / department policy.*
3. School / department policies
 - These are defined independently by schools / departments as appropriate
 - o *Approved by school / department governance bodies.*

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1. Terms of Reference

1.1. For all employees employed by Inspiring Futures through Learning, Multi Academy Trust

1.2. Definitions

“Headteacher” also refers to any other title used to identify the Headteacher where appropriate.

“Employee” refers to any member of the staff, teaching and Professional Services staff, employed to work at the School.

“Senior Manager” refers to the Senior member of staff delegated by the Headteacher to assist with a disciplinary matter under this policy.

“Investigating Officer” refers to a senior manager or an external person appointed by the Headteacher or Trust.

“Companion” refers to a person chosen by the employee to accompany him/her, who shall be a trade union representative or a workplace colleague.

“Governors Hearing Committee” may be convened to deal with a case where the Headteacher considers that s/he must act in the role of Senior Manager. In this event substitute ‘Headteacher’ with ‘Governors Hearing Committee’ throughout the procedure, in these cases replace ‘Senior Manager’ in section 4.1 with ‘Headteacher’.

“Trustee Hearing Committee” may be convened to deal with a case where the Headteacher is the subject of the disciplinary and the CEO considers that s/he must act in the role of Senior Manager. In this event substitute ‘CEO’ with ‘Trustee Hearing Committee’ throughout the procedure, in these cases replace ‘Senior Manager’ in section 4.1 with ‘CEO’.

“Appeals Committee of the Governing Body/Trustees” may be convened to hear an appeal against a written warning or dismissal. Where possible, the committee will be three Governors/Trustees. In exceptional circumstances it will be no less than two.

Where this is relevant to the Headteacher (or Interim Headteacher)

- the term “employee” refers to the Headteacher
- the process is the same but the term “Headteacher” would be replaced by “CEO” and would be referred to the Board of Trustees
- the term “Governors Hearings Committee” would be replaced by “Trustee Hearings Committee” which could be constituted of Governors and/or Trustees as Trustees appropriately delegate
- the term “Appeals Committee of the Governing Body” would be replaced by “Appeals Committee of the Trustees

Where this is relevant to Core Trust staff:

- the term “employee” refers to members of the Core team

- the process is the same but the term “Headteacher” would be replaced by “CEO” and would be referred to the Board of Trustees
- the term “Governors Hearings Committee” would be replaced by “Trustee Hearings Committee” which could be constituted of Governors and/or Trustees as Trustees appropriately delegate
- the term “Appeals Committee of the Governing Body” would be replaced by “Appeals Committee of the Trustees”

2. Introduction

- 2.1. This Disciplinary Policy is designed to help and encourage all employees in IFtL to achieve and maintain standards of conduct. The aim is to ensure consistent and fair treatment for all employees in the Trust.
- 2.2. Examples of the type of conduct that is considered to be misconduct or gross misconduct, which could lead to action under this Disciplinary Policy are set out in the Disciplinary Rules, (Appendix A) which apply to all employees, and should be read in conjunction with this policy.
- 2.3. This policy is non-contractual and for guidance only. This policy applies to all employees. It does not apply to agency workers or contractors.
- 2.4. The procedure is written in line with the ACAS Code of Practice.
- 2.5. This policy may be implemented at any stage, as set out below, taking into account the alleged misconduct of an employee. Employees will not normally be dismissed for a first act of misconduct, unless it is decided that it amounts to gross misconduct, or the probationary period is not complete.

In cases against the Headteacher, the CEO and/or Trustees Hearing Committee has power to discipline or dismiss the Headteacher in accordance with the procedure set out below. The Trustees Hearing Committee could be constituted of Trustees as Trustees appropriately delegate.

- 2.6. Any recommendation of dismissal, from a hearing panel or Headteacher, will be heard and considered for authorisation by the Board of Trustees (or a delegated representative group of such). The Board of Trustees (or a delegated representative group of such) will make the final decision on dismissal.

3. Equality and Diversity

- 3.1. The procedure will be operated in accordance with the Trust’s Equality Statement, reviewed annually and published on the Trust’s website. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the policy will be monitored in accordance with the Equality Act 2010

Part A – Informal Procedure

4. Informal Action

- 4.1. Senior Managers should seek to resolve minor misconduct informally and as soon as it occurs. Management advice (advice given by the manager dealing with the case at an informal stage) may be given to the employee by the Headteacher or a senior manager. Action will be taken under the formal procedure set out in Part B below if the matter is not resolved or, there is repeated minor misconduct or, where informal action is not appropriate (for example, because of the seriousness of the allegation).
- 4.2. There is no appeal against management advice given, which will not be placed on the employee's disciplinary record (and therefore not included in any reference requested) but should be confirmed in a written record of the discussion.
- 4.3. The written record will set out the misconduct, the improvement that is required and, if appropriate, how this will be reviewed and during what timeframe. The Employee may make written comment on the memorandum if s/he has any objection to the informal action taken. A copy of the written record or a note of any informal discussions will be sent to the employee and will be placed on the employee's personnel file, but only referred to should another similar disciplinary matter arise within a 12-month period.
- 4.4. In certain circumstances it may be appropriate to consider mediation to resolve disciplinary matters. Mediation may be considered at any point in the process and must be agreed by both parties. Mediation should be facilitated by a trained mediator where possible.

Part B – Formal Procedure

5. Investigation

- 5.1. Where a complaint of misconduct warrants a formal investigation, the Headteacher or CEO should nominate a Senior Manager or an external appropriately experienced person, who has not had any involvement in the procedure to date, to conduct a full investigation as soon as possible after the allegations have been made. (See separate document: Guidance Notes for Investigating Officers Conducting Disciplinary Investigations).

Investigations involving cases of suspected fraud or financial irregularity will be conducted by a designated Internal Audit investigator. Work may be carried out by an independent Governor, Trustee and/or External Advisors with specialist knowledge to support the process.

- 5.2. The purpose of the investigation is to establish whether there is a potential disciplinary case to answer. Please refer to separate document Guidance Notes for

Investigating Officers Conducting Disciplinary Investigations. The investigation will aim to:

- Establish the nature of the complaint(s) or allegation(s) and any information that substantiates or refutes it/them
 - Give full details of the nature of the allegation(s) or complaint(s)
 - Offer the employee the opportunity to give his/her explanation and to provide information that is critical to the investigation
 - The investigating officer will write to the employee at the earliest opportunity and give the following information: -
 - Details of the allegation/s
 - Copies of appropriate and available information
 - A copy of this disciplinary procedure
 - Time and date of an investigation meeting
 - Confirmation of their right to representation by a trade union representative or work colleague, at all meetings
- 5.3. The investigating officer will promptly carry out a full and thorough investigation into the allegations in as timely a manner as the circumstances will allow. Care will be taken to ensure that where appropriate evidence is also sought from employees who may be supportive of the employee's case. This will involve the gathering of all relevant evidence from the relevant parties and an investigation meeting with the employee. The investigation should be thorough, comprehensive and unbiased.
- 5.4. The investigatory interview(s) of the employee whose actions are being investigated may take place in the presence of a work colleague or a Trade Union/Professional Association representative. The investigation may take place over more than one investigatory interview session.
- 5.5. Employees who witness an incident or who have information relevant to an investigation may be asked to attend an investigatory interview and/or a disciplinary hearing. They may be accompanied at the investigatory interview or hearing by a work colleague or a Trade Union/Professional Association representative.
- 5.6. Having gathered all the facts, the Investigating Officer should decide whether to:
- (a) **Recommend no further action**
This may be appropriate where there is no case to answer.
 - (b) **Recommend informal action**
The matter may justify an informal approach in this instance. For example:
 - Provide management advice to the employee

- Arrange counselling/training. This is an attempt to correct a situation and resume normal working practices without recourse to the disciplinary procedure.
 - Recommend a disciplinary hearing. This will be necessary where the matter is more serious and it appears that there has been a disciplinary offence which requires appropriate (formal) disciplinary action, i.e. there is a case to answer.
- 5.7. At the conclusion of the investigation, the Investigating Officer, having taken advice from HR, will produce a written report along with a recommendation from the options detailed in 5.5.
- 5.8. On completion, the report will be passed to the Headteacher who will make a decision on whether or not the facts and circumstances indicate that there is a need for a disciplinary hearing.
- 5.9. Where it is decided that there is a disciplinary case to answer, the Headteacher will convene a formal disciplinary hearing. Where the recommendation states that the matter is potentially one of gross misconduct, a hearing panel will be convened.
- A Hearing panel will consist of Governors, Trustees, Headteachers or members of Senior Leadership teams from across the Trust.
- 5.10. Where the Headteacher is the subject of the investigation, the investigation will be carried out by an external investigating officer.
- 5.11. Where the case is one that has child protection implications, the matter should be referred by the Headteacher to the relevant external services e.g. LADO, MASH or Police for investigation. Where the relevant external services, e.g. LADO, MASH or Police, are not conducting an investigation and a child is alleged to be a victim of an offence or witness to an alleged offence, permission must be obtained from the parents or guardian for the child to be interviewed. The parents or guardian may also attend the interview.

6. Disciplinary Hearing

- 6.1. If, following appropriate investigation by the Investigating Officer, the Headteacher considers on the facts that formal disciplinary action for misconduct or gross misconduct is necessary, s/he will convene a Disciplinary Hearing. S/he will write to the employee to inform him/her as soon as practicably possible, at least 10 working days in advance (Where possible, the letter will be handed to the employee in person), setting out:
- a) The date, time and place of the disciplinary hearing.
 - b) The allegation(s), if they are being addressed as misconduct or gross misconduct and their possible consequences.
 - c) The Employee's right to be accompanied by his/her companion.
 - d) The titles of enclosed copies of any documents to be used as evidence.

- e) The names of any witnesses to be called by the Headteacher/Governors Hearing Committee.
- f) The employee's right to call witnesses on his/her behalf.
- g) The employee's right to be accompanied by a work colleague or a Trade Union or Professional Association Representative
- h) The name and position of any HR adviser who will accompany the Headteacher/Governors Hearing Committee at the hearing.
- i) The name and position of any note taker.

(At the employee's request, an extra copy of this notice, together with any enclosures, should be provided for his/her companion).

6.2. A disciplinary hearing will be heard by one of the following:

- Headteacher (only if he/she has not been closely involved in the case, eg if he/she is a witness) – where it has been recommended that the matter relates to misconduct.
- Governors Hearing Committee, comprising of three appropriate Governors (two in exceptional circumstances) – where it has been recommended that the matter relates to gross misconduct, the Headteacher is unable to carry out the hearing due to previous involvement or the Headteacher has carried out a misconduct hearing and assesses that gross misconduct has been carried out.

6.2.1. Where the Headteacher is unable to carry out the hearing due to prior close involvement and there is a limited availability of Governors from the employee's own school, the hearing can be heard one of the following:

- A Headteacher from a different school within IFtL
- A Governors Hearing Committee made up of Governors from different schools within IFtL

6.2.2. Where the Headteacher is the subject of the Disciplinary hearing it will be heard by the Trustees Hearing Committee.

6.3. The employee must advise the Headteacher/Governors Hearing Committee of the following at least 5 working days in advance of the hearing:

- a) The name and designation of his/her companion.
- b) Provide any written documentation to be considered.
- c) The names of any witnesses at that he/she wishes to call.
- d) Any special requirements (e.g. disability, language requirements).

If the employee chooses not to attend without a valid reason, the hearing may progress in their absence.

If the employee's representative or colleague cannot attend on the proposed date, the employee can suggest another date that is reasonable and is not more than 5 working days after the original date proposed, unless mutually agreed otherwise.

- 6.4. The Headteacher/Governors Hearing Committee (and in some cases an HR advisor) will hear the Disciplinary Hearing. Please see Appendix B: Procedure for Disciplinary Hearing. The Employee (and his/her companion) will be given a reasonable opportunity to state his/her case, to question the Investigating Officer where possible and any witnesses and, to call any witnesses and raise points about any information provided by witnesses.
- 6.5. Following the hearing, the Headteacher/Governors Hearing Committee will confirm the decision in writing to the employee and his/her companion as soon as possible and usually within 5 working days of the hearing, to include:
 - a) The sanction (if any) and the period this will remain current.
 - b) His/her reasons for the decision.
 - c) The change in behaviour required (if relevant) and the likely consequences of further misconduct.
 - d) Right of appeal.

If possible, the employee will be informed verbally of the outcome at the end of the hearing, together with any subsequent action required by him/her by the Chair of the Meeting.

7. Formal Disciplinary Action

7.1. First Written Warning

The Headteacher/Governors Hearing Committee may give the employee a first formal written warning where the employee does not have a live disciplinary sanction and a minor offence of misconduct has occurred. This will remain live for **twelve months**. Any further complaint of misconduct that occurs within the next twelve months that is justified after a disciplinary hearing, will lead to a final warning, unless there are mitigating circumstances. After this period, the warning will, subject to satisfactory conduct, be regarded as spent for future disciplinary purposes.

If appropriate, the Headteacher/ Governors Hearing Committee may decide to take informal action (as in Part A above) instead of giving a first written warning.

7.2. Final Written Warning

- 7.2.1. If a further complaint is made about the employee's conduct before the first written warning has expired or is so serious that it cannot be tolerated a second time the same procedure (as in **section 5** above) will be followed.
- 7.2.2. The Headteacher/ Governors Hearing Committee may give the employee a final written warning, which will include a statement that any further complaint of misconduct occurring within the next **eighteen months** that is found justified

after a disciplinary hearing, will lead to dismissal, unless there are mitigating circumstances.

7.2.3. The Headteacher/ Governors Hearing Committee may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.

7.3. Dismissal

7.3.1. Rather than dismiss, the Headteacher/ Governors Hearing Committee may decide to issue no sanction or a lesser sanction.

7.3.2. If a further complaint is received before the final written warning has expired, the complaint will be referred to a hearing before the Headteacher or Governors Hearing Committee following the same procedure as in paragraph section 5 above.

7.4. When deciding on a sanction, the record of the employee and any mitigating circumstances will be taken into account. This is a separate process from the Hearings Committee's decision about whether or not the allegation is upheld, so information about the employee's record must not be made available to the Committee until after that decision has been taken. Where the employment record is relevant in reaching the decision of the disciplinary sanction, this must be clearly noted for any appeal hearings.

7.5. In determining an appropriate sanction, consideration may be given to a change to role/duties which may impact on remuneration.

7.6. If the outcome of the hearing is dismissal the Chair of the Panel will notify an agreed representative of the Board of Trustees, detailing the procedure that has been followed in reaching the decision.

8. Gross Misconduct

8.1. If the complaint is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see Disciplinary Rules Appendix A), the employee may be informed by the Headteacher, CEO or the Chair of Governors that s/he is suspended on full pay pending further investigation of the complaint.

8.2. A Suspension is precautionary and is not disciplinary action of punishment. Suspension should not be regarded in any sense as implying guilt, but as a neutral and exceptional measure to enable a proper investigation to take place. Therefore, consideration should be given to alternatives to suspension (e.g. moving the employee to other work or another location) in the first instance. Where suspension is under consideration, whenever practicable, the employee should be called to a meeting. This may be at very short notice.

8.3. The employee has the right to be accompanied at the suspension meeting by a work colleague or a Trade Union or Professional Association Representative. However, the unavailability of a representative cannot delay the meeting if the

seriousness of the allegations means that the meeting is required to take place without delay.

- 8.4. The employee will be informed verbally of the reasons for suspension at the time this occurs. The suspension will be confirmed in writing within 5 working days and a copy of the Disciplinary Policy will be provided.
- 8.5. The person advising the employee of the suspension will designate someone appropriate as a regular point of contact to the employee during the suspension to enable support to be given to the employee and urgent transfer of business to take place.
- 8.6. The period of suspension should be kept as brief as possible and kept under regular review by the Headteacher, CEO or Chair of Governors. Investigations should be started immediately. The period of time that a suspension will last will initially be two weeks at which point it will be reviewed. The suspension will usually last until the investigation has been concluded or any resulting disciplinary hearing has been held. The outcome of the regular review of period of suspension, and progress of the process, will be communicated to the employee by the designated point of contact.
- 8.7. If, following an investigation, the Investigating Officer considers that the facts of the case amount to a prima facie case of gross misconduct, the matter will be referred to the Headteacher.
- 8.8. Following the same procedure as in paragraph 5 above, if on conclusion of the disciplinary hearing the Headteacher considers the complaint constitutes gross misconduct, s/he may decide to dismiss the employee without notice or pay in lieu of notice.
- 8.9. Where a suspension has taken place that suspension may only be lifted by the Governing Body, (normally the Chair of Governors acting on behalf of the Governing Body) or Chair of the Trustees.).

9. Right of Appeal

- 9.1. The employee has a right of appeal against a decision to issue a warning or to dismiss.
- 9.2. Appeals against formal written warnings or dismissal should be made in writing to the Clerk to the Governors/Trustees, stating the intention for appeal in full, within 5 working days of the date of the written decision.
- 9.3. All appeal hearings will be held as soon as possible, taking into account the availability of all those involved and wherever possible within 20 working days, following the receipt of the full appeal. The Clerk to Governors/Trustees will usually undertake administrative arrangements for any required hearing or meeting.
- 9.4. The employee will be given notice in writing at least 10 working days in advance of the time and place of the appeal hearing.

- 9.5. The Chair of the disciplinary Hearings Committee and employee should provide the Clerk with any written material to be presented at the hearing at least 5 working days prior to the appeal. Any extension on the timescales must be agreed in advance by both parties.
- 9.6. In exceptional circumstances, additional new evidence is permissible at the appeal. If either party wishes to introduce new evidence, they should give details of the new evidence and provide copies of any supporting documents, names of any witnesses, written statements to be presented. If, at the appeal hearing, the new evidence is of such significance that further investigation, information, clarification is required, it may be appropriate for an adjournment and to reconvene when this has been completed.
- 9.7. The Clerk will arrange for a copy of the other party's written material to be provided to the Chair of the disciplinary Hearings Committee and the employee at least 3 working days prior to the hearing.
- 9.8. An employee may bring a Companion (see terms of reference in section 1) to any formal disciplinary meeting or appeal meeting. An employee must tell the person holding the meeting who their chosen Companion is, in good time, but no less than three days before the meeting. If the employee or their representative cannot attend the appeal hearing at the agreed time and date, an alternative time can be proposed which must be within five working days of the original appeal meeting or otherwise by mutual agreement.
- 9.9. An appeal against a written warning (see paragraph **8.1** and **8.2**) will be heard by the Appeals Committee of the Governing Body/Board of Trustees. The panel may have an HR adviser present. The Committee may confirm the written warning, reduce a final written warning to a first written warning, or cancel the written warning.
- 9.10. An appeal against dismissal (see paragraph **6.3**) will be to the Appeals Committee of the Governing Body/Board of Trustees none of whom shall have had any previous involvement in the case. The Appeals Committee of the Governing Body/Board of Trustees may have an HR adviser present.
- 9.11. All appeal hearings will be held as soon as possible and, in normal circumstances, within 10 working days after receipt of the appeal. The Clerk to Governors/Trustees will usually undertake administrative arrangements for any required hearing or meeting. The outcome will be confirmed in writing as soon as possible and usually within 5 working days of the hearing. There will be no further right of appeal.
- 9.12. Where the Appeals Committee of the Governing Body/Board of Trustees overturns a decision to dismiss or to issue a written warning, they may substitute a lesser sanction. There is no right of appeal against such a decision of the Appeals Committee of the Governing Body/Board of Trustees.

- 9.13. In the event that the Appeals Committee of the Governing Body/Board of Trustees decides not to uphold the decision to dismiss, the Employee will be reinstated without loss of pay.

10. Trade Union Representatives

- 10.1. Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. The Trust will discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
- 10.2. If a Trade Union Representative is suspended, a discussion will take place with an official of the union as soon as possible.

11. Confidentiality

- 11.1. All employees subject to, or involved as witnesses in, disciplinary investigations or proceedings must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Appendix A

Definitions

1. Purpose

The disciplinary rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our disciplinary policy. **Please note these lists are not exhaustive.**

2. Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Gross misconduct will be dealt with under our disciplinary policy and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- 2.1. Behaviour that has or may have harmed a child* or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:
 - Sexual behaviour towards or relations with a pupil
 - Physically harming a pupil
 - Criminal offences related to or against a child
- 2.2. Criminal activities or offences, whether committed at work or not, that may affect our reputation or otherwise affects your suitability and/or ability to continue in employment.
- 2.3. Sexual misconduct, whether at work or not and, whether criminal or not.
- 2.4. Acts of physical, cyber or threatened violence, vandalism, bullying or, behaviour which provokes violence.
- 2.5. Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.
- 2.6. Being under the influence of alcohol or other substances that make you unfit to perform your duties during working time, or illegal use of drugs at any time.
- 2.7. Serious abuse of the Trust's computer equipment/software including deliberately accessing internet sites containing pornographic, offensive or obscene material on our equipment or during working time.
- 2.8. Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.

***Child/children relates to anyone under the age of 18.**

- 2.9. Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:
- Failure to comply with the Prevent Duty
 - Failure to report safeguarding concerns
 - Failure to exercise proper control or supervision of pupils
 - Disclosure of restricted public examination material or content
 - Falsifying sickness absence
 - Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food
- 2.10. A serious breach of our Code of Conduct.
- 2.11. Sleeping on duty
- 2.12. A serious act of insubordination.
- 2.13. Claiming sick pay when fit to attend work.
- 2.14. Harassment and/or bullying at work including abuse of authority, i.e. when an employee's conduct towards fellow employees or members of the public is oppressive or abusive
- 2.15. Entitlement to Work in the UK – failure to provide satisfactory evidence required by the School of an employee's entitlement to enter or remain in the UK.
- 2.16. Fraudulently obtaining public funds from a Local Authority or Other Government Agency
- 2.17. Dishonesty associated with place of work or job being undertaken, for example:
- Theft or unauthorised removal or misuse of property.
 - Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use, falsification of any information given on your application form for a post, entitlement to work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
 - Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.
 - Failure to disclose criminal convictions, cautions, bind over orders reprimands or warnings (except those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an offence, a conviction, a bind over order, a reprimand or a warning given by a police force.

- Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- 2.18. Unauthorised use or disclosure of confidential information (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure.
 - 2.19. Indecency and behaviour including the display of obscene or offensive materials
 - 2.20. Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a Governor, a member of the public, or our reputation.
 - 2.21. Alleged Criminal Conduct, the School may decide to hold a disciplinary hearing prior to any Court proceedings and reach a decision on the facts available. In these cases, advice should be sought from the Policy before undertaking an internal disciplinary process. When an employee has been found guilty of a criminal offence by a Court of Law, the nature of the offence may require the School to take disciplinary action.
 - 2.22. Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a Governor, or a member of the public on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
 - 2.23. Victimising a person who has raised concerns, made a complaint, given evidence or information under our policies, e.g. grievance procedure, disciplinary procedure or otherwise.
 - 2.24. Serious driving offences
 - 2.25. Misuse of official position for personal gain.
 - 2.26. Making a disclosure of false or misleading information under our whistleblowing policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations where it can be clearly demonstrated to be against a person.
 - 2.27. Conduct likely to damage or injure the standing of the Trust / School (inside and outside of the workplace)
 - 2.28. Unauthorised absence or leaving your job during paid working hours without permission or sufficient cause for absence

3. Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our disciplinary procedure. This list is intended as a guide and is not exhaustive.

- 3.1. Absenteeism and lateness, for example:

- Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence (in some circumstances unauthorised absence is gross misconduct)
 - Frequent failure to attend work punctually
 - Failure to comply with our sickness absence reporting procedure
- 3.2. Neglect of duty, for example:
- failure to adopt safe working practices/use protective equipment where required by law or management
 - damage to, or unauthorised use of our property or contractor's property
 - without sufficient cause, fails to carry out the work for which he/she is employed
 - failure to report any matter which it is his/her duty to report
 - failure to make an entry which it is his/her duty to make, in any book or document
 - failure, properly to account for, or to make a prompt and true return of, any money or property, which comes into his/her possession in the course of their work
 - failure to follow or adopt proper professional standards appropriate to their post
- 3.3. Making unauthorised private telephone calls or sending personal mail at the Trust's expense or unauthorised use of the Internet. Please refer the school Acceptable use of IT Policy
- 3.4. Failure to exercise proper control or supervision over pupils
- 3.5. Undertaking additional employment that is inappropriate to your role outside normal working hours without authorisation. If you undertake employment outside of your role you should notify your Headteacher.
- 3.6. Damage to the School's Property - when an employee:
- wilfully or without appropriate care, causes any waste, loss or damage to any property of the School
 - fails to report any loss of, or damage, to any such property issued to, or used by, them or entrusted to their care
- 3.7. Neglect of health – i.e. when an employee fails to comply with medical instructions or, whilst absent from duty on account of sickness, wilfully commits any act or wilfully adopts any conduct intended to hinder their return to work
- 3.8. Alleged Criminal Conduct, the School may decide to hold a disciplinary hearing prior to any Court proceedings and reach a decision on the facts available. In these cases, advice should be sought from the Policy before undertaking an

internal disciplinary process. When an employee has been found guilty of a criminal offence by a Court of Law, the nature of the offence may require the School to take disciplinary action.

- 3.9. Disobedience of appropriate and or reasonable instructions - when an employee without sufficient reason fails to follow a reasonable instruction whether in writing or not, this will include failure to observe the operational requirements of the employing department
- 3.10. Being an Accessory to a Disciplinary Offence - i.e. when an employee conspires or is knowingly an accessory to any disciplinary offence
- 3.11. Indecency and behaviour including the display of obscene or offensive materials
- 3.12. Breaches of our policies.
- 3.13. Breaches of your contract.
- 3.14. A wilful attempt to mislead

Appendix B

Procedure for Disciplinary Hearing

1. Presentation of the Management Case/Investigation

- (a) The Headteacher/Senior Manager will lead the presentation of the Management case and the Investigating Officer will present the investigation report.
- (b) They may call each witness in turn so that:
 - [i] The witness is asked questions.
 - [ii] The employee's companion has the opportunity to ask the witness questions.
 - [iii] They may ask the witness questions of clarification.
 - [iv] The Headteacher/Disciplinary Committee has the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence, except the individual presenting the management case, who presents the outcome of the disciplinary investigation.

2. Presentation of the Employee's Case

- (a) The employee or employee's companion may make an opening address outlining the employee's case.
- (b) The employee or employee's companion calls each witness in turn so that:
 - [i] The witness is asked questions.
 - [ii] The individual presenting the management case has the opportunity to ask the witness questions.
 - [iii] The employee or employee's companion may ask the witness questions of clarification.
 - [iv] The Headteacher/Disciplinary Committee has the opportunity to question the witness.
- (c) Each witness withdraws after giving evidence except the employee who has been a witness to his/her own case, who has the right to remain throughout the hearing procedure.

3. Summing Up

- (a) The Investigating Officer/Senior Manager/Headteacher and then the employee's companion shall have the opportunity to sum up their case if they so wish.
- (b) Both parties then withdraw.

4. The Headteacher/Disciplinary Committee's Decision

- (a) The Headteacher/Disciplinary Committee, together with an appointed adviser(s), is to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification.
- (b) The Headteacher/Disciplinary Committee is to announce its decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing soon afterwards. Where the decision is to dismiss or to give a disciplinary warning, the employee will be advised of his/her right of appeal against the decision of the Headteacher/ Disciplinary Committee.

Notes on the Procedure

1. The management case may be presented by someone other than the Investigating Officer and the Investigating Officer may remain in the hearing throughout as a witness with the management representative. If the employee is the Headteacher, the management case will be brought by the Chair of Governors who may remain throughout the hearing if someone other than the Chair of Governors presents the case.
2. The employee may choose to represent him/herself. In such a situation the employee may be questioned as a witness.
3. The Headteacher/Disciplinary Committee will normally have access to an adviser to advise him/her on the law and on procedures in a community school, or in a foundation or aided school where advisory rights have been granted by the governing body to the Local Authority (LA). If dismissal may be an outcome, the LA is also entitled to have a representative present to advise the Disciplinary Committee. The Headteacher/ Disciplinary Committee will make the decision. No adviser shall vote on the matter being considered by the Headteacher/ Disciplinary Committee.