



LINCOLN ANGLICAN
ACADEMY TRUST
DIOCESE OF LINCOLN

Psalms 78:72: "So he shepherded them according to the integrity of his heart, and guided them with his skillful hands."

Document Title	Disciplinary Policy
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<u>Policy Category</u> (Please Indicate)	1	Trust/Academies to use without amendment
	2	Academy specific appendices
	3	Academy personalisation required (in highlighted fields)

Summary of Changes from Previous Version

Version	Date	Author	Note/Summary of Revisions
V1	December 2023	Laura Lowe	Minor wording amendments following consultation with Trade Unions. No substantial changes to note.

1 Policy Statement

- 1.1 The aims of this Disciplinary Procedure are to set out the standards of conduct expected of all staff and to provide a framework within which the Trust can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.2 It is the Trust policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action. This policy ensures a full and fair procedure in line with the ACAS code of practice.
- 1.3 This procedure does not form part of an employee's contract of employment, and it may be amended following consultation with recognised trade unions. Timescales set out in this policy may be varied with agreement of all parties.
- 1.4 This policy has been implemented following consultation with the recognised trade unions.

2 Who is covered by the procedure?

- 2.1 The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3 What is covered by the procedure?

- 3.1 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.
- 3.2 The ACAS Code of Practice states that if an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 3.3 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. The relevant line manager will usually have this discussion with the employee. Where appropriate, a note of any such informal discussions will be made and retained on the employee's personnel file to provide clear direction for future conduct. A copy will be given to the employee. In some cases, an informal instruction may be given, outside of the formal disciplinary process. Formal steps will be taken under this procedure if the matter is not resolved informally, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation). Any matter dealt with informally may be referred to as part of relevant disciplinary proceedings if relevant.

- 3.4 The conduct of the Trust staff outside of work can impact on their employment. Therefore, in exceptional circumstances, conduct outside work may be dealt with under the scope of this policy if an investigation uncovers evidence that the conduct fundamentally undermines trust and confidence in the employee or brings the Trust/Academy into disrepute.

4 Confidentiality

- 4.1 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 as confidential in connection with an investigation or disciplinary matter, save for disclosure to their representative, family or close relatives.
- 4.2 All information will be handled in accordance with the Data Protection Policy and General Data Protection Regulations.
- 4.3 Employees, and anyone accompanying them (including witnesses), must not normally make electronic recordings of any meetings or hearings conducted under this procedure, unless with prior agreement or to accommodate a reasonable adjustment.
- 4.4 Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings, unless there is an exceptional reason why a witness's identity should remain confidential. In such a situation this will be explained to the employee.

5 Roles, responsibilities and disciplinary rules

The Trust provide regular training and support to anyone who may be involved in any stage of managing this process. Colleague Services advice and guidance is available and should be sought throughout.

- 5.1 The Board of Trustees
- To set the strategic direction of the Trust and to approve policies and strategic actions for improvement including conduct and standards of behaviour.
 - To participate in disciplinary hearings and/or appeals as appropriate.
 - To manage the Disciplinary Procedure when allegations are made against senior members of staff.
- 5.2 Senior Leaders and Headteachers
- To take day to day leadership of employee conduct and behaviour

- To implement the disciplinary procedures as agreed by the Board.
- To be responsible for managing employees' conduct and behaviour, setting clear standards and expectations in these areas and for taking action accordingly, proportionately and fairly where standards are not maintained.
- To participate in disciplinary hearings and/or appeals as appropriate.

5.3 Other line managers

- To treat matters fairly, proportionately, sensitively and confidentially.
- To be responsible for identifying problems and taking action where conduct has become unacceptable.
- To emphasise to employees the importance of standards of behaviour and conduct.
- To make decisions and where appropriate implement the disciplinary procedure with advice from a HR representative.

5.4 Employees

- To maintain the expected standard of conduct and behavior.
- To inform their line manager of any unacceptable behaviour of colleagues.
- Where required, to participate fully in any disciplinary investigation and to cooperate with the investigating officer.
- If subject to this procedure to provide any relevant information to their work-place companion or trade union representative if they choose to have one.

6 Allegations

- 6.1 Allegations may be brought to the academy or Trusts attention in a number of ways and through a variety of sources. When such information is disclosed, it must be given careful consideration in order to establish the merits of the allegation and the appropriate course of any action, including the possibility of no action being taken.
- 6.2 As with disclosures made by children and young people, adults need to be aware that in making an allegation it is not always possible to keep the matter confidential. Based on the merits of the case, the manager 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.
- 6.3 Allegations which involve issues of child protection and / or abuse of children by staff should be considered by the designated CPO and then referred immediately to the Local Authority Designated Officer (LADO). See separate policy (Managing Allegations Against Staff) for further guidance on the management of this type of allegation. No further action under this procedure should be taken until the LADO has been consulted.
- 6.4 Staff should be aware that where the circumstances of a case meet a threshold for referral, then a referral to the relevant body will be made in line with their reporting requirements. Employees will be made aware.

7 Investigations

- 7.1 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 manager should seek to establish the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.
- 7.2 Investigations are undertaken to establish the facts by a fair and objective competent person with no involvement in the case.

Preliminary Investigation meeting

- 7.3 A preliminary investigation meeting may be held with the employee to establish the basic facts of the circumstance and to enable the manager to determine whether further investigation under this procedure is required. A preliminary meeting can often give reasonable explanation in response to allegations which then enables the matter to be concluded. The allegations will need to be clearly stated including as much information as possible, for example time, date, place etc., to enable the employee to make a reasonable response. If the manager is satisfied with the employee's response at this stage, there may be no need for further investigation. The meeting should be arranged as soon as possible. The employee is entitled to bring a trade union representative or colleague to accompany them if they are available. The

employee must answer any questions themselves and a record of the meeting will be kept. The employee will be asked to sign this to agree the contents of the record. A preliminary meeting will not be required in all cases, and it is for the manager to decide if this is appropriate, seeking HR guidance.

Further investigation

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. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents and other information. At any such meeting the employee may be accompanied by a work colleague or a trade union representative if they wish.

7.4 Investigating Officer

Should the preliminary investigation determine further need for investigation, or if the concerns are serious enough to warrant a full investigation immediately, the manager will usually appoint an Investigating Officer to carry out the investigation. This will be a person appropriate to the nature of the allegations and the role of the employee, with no prior involvement in the case. The Headteacher will decide who is appointed to this role. In the case of allegations made against a Headteacher, the Trust Manager or CEO, then the DCEO/CEO/Chair of Trustees will be responsible for overseeing the management of the procedure and determining an appropriate Investigating Officer, either internally or externally.

7.5 Interviewing witnesses

It will often be necessary to interview witnesses who may have information that is relevant to the allegations. These interviews will be arranged as quickly as possible before memories and recollections fade. It will be explained to the witness why they are being spoken to and what the information that they provide will be used for. A 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. Witnesses are able to bring Trade Union or Workplace colleague support to such meetings.

7.6 Interviewing the employee

Investigation meetings are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. The investigation meeting will enable the employee to provide their account of what has happened and allow the Investigating Officer to ask the employee about the information that has been obtained during the course of the investigation so far. Employees have the right to bring a companion or trade union representative or work colleague to the investigation meeting. Should the companion not be able to attend, then on one occasion,

arrangements can be made to postpone the meeting. A 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.

- 7.7 Employees should 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.
- 7.8 As each investigation will vary in length and complexity it will be completed in as short a time frame as possible. Where possible, any investigation would normally be carried out within one month. Every effort will be made to conclude the investigation in that time, but it may be necessary to extend the period of investigation if it is not completed within that timescale due to complexity of the case or holiday periods. The same timescales will be applied for the duration of any suspensions.

8 Criminal charges

- 8.1 Where conduct is the subject of a criminal investigation, 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.
- 8.2 Employees should inform their manager immediately if they are involved in a criminal investigation or are subject to a charge or conviction.
- 8.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is relevant to the employee's employment. This will then be considered within the framework of this policy. Ordinarily, the Trust will await the outcome of any criminal investigation, but the Trust reserves the right to take alternative action with the advice and guidance of the relevant investigating authorities.
- 8.4 Where a criminal investigation relates to allegations of abuse of children or young people the Trust will co-operate and share information about the employee with other relevant agencies as appropriate.

9 Suspension

- 9.1 In some circumstances it may be necessary to suspend the employee from work. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary process.
The arrangements will be confirmed to the employee in writing within one working day of the decision to suspend and will include the reason for suspension and how long it is likely to last; an independent point of contact for the individual during the period of suspension and that the purpose of suspension is to investigate and is not an assumption of guilt.

Alternatives to suspension, for example re-organisation of duties, work location; temporary redeployment to another role will be explored where relevant before a decision to suspend is made. The nature and severity of the

allegations will need to be considered as will the employee's role within the Trust.

- 9.2 Suspension is not an assumption of guilt and is not considered a disciplinary. It does not imply that any decision has already been made about the allegations. Employees will continue to receive full salary and benefits during the period of suspension.
- 9.3 Suspension may only be carried out by the Headteacher or a Senior Manager of the Trust. The CEO must be notified if a member of staff is suspended.
- 9.4 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. Additional information on the management of these allegations is available in the relevant policy.
- 9.5 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.
- 9.6 All suspensions will be regularly reviewed and not be unduly long. Where possible suspensions should last no longer than one month; however, it may be necessary to extend this timeframe in which case the period of suspension will be kept under further review.

10 Disciplinary Hearing

If, following appropriate investigation by the Investigating Officer the letter will include:

- a. The date, time and place of the disciplinary hearing.
- b. The allegation(s) and their possible consequences.
- c. The Employee's right to be accompanied by their chosen work-place companion, or trade union representative.
- d. The titles of enclosed copies of any and all original documents to be used as evidence.
- e. The names of any witnesses to be called by the Senior Manager.
- f. The Employee's right to call witnesses on his/her behalf.
- g. The name and position of any HR Adviser who will accompany the Senior Manager at the hearing.
- h. 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 their companion).

The employee should advise the Headteacher/Senior Manager of the following at least 3 working days in advance of the hearing:

- a. The name and designation of their companion.
- b. Provide any written documentation to be considered.
- c. The names of any witnesses at that they wish to call.
- d. Any special requirements (such as disability, language requirements).

At the disciplinary hearing before the Senior Manager and his/her HR adviser, the Employee (and their companion) will be given a reasonable opportunity to state their 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.

Following the hearing, the Headteacher/ Senior Manager will consider the matter and confirm the decision in writing to the employee and their 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. The reasons for the decision.
- c. The change in behaviour required (if relevant) and the likely consequences of further misconduct.
- d. Right of appeal.

11 Role of Companion at Meetings and Hearings

- 11.1 An employee may bring a companion to all meetings under this policy. The companion may be either a trade union representative or a work colleague. The employee should inform the manager conducting the meeting who their chosen companion is, in good time before the hearing.
- 11.2 Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements.
- 11.3 Acting as a companion is voluntary and Trust employees are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to plan for the meeting and to act as a companion.

- 11.4 A choice of companion will not normally be considered unreasonable. However, it may be possible if the chosen companion may have a conflict of interests or may prejudice the meeting. Any reasons for refusal will be explained in full.
- 11.5 A companion may make representations, 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.

12 Procedure at Disciplinary Hearings

- 12.1 If the employee and/or their companion cannot attend the hearing, they should inform the manager immediately and offer a reasonable alternative time within five days of the original date if their chosen companion cannot attend. The hearing may also be rearranged if the employee is unable to attend due to illness. Employees must make every effort to attend the hearing. Failure to attend without good reason, or persistent inability to do so (for example for health reasons), may lead to a decision being taken in the employee's absence based on the available evidence.
- 12.2 If the employee chooses not to attend the hearing or is unable to do so (for example for health reasons) they may choose to send a written statement for consideration at the hearing.
- 12.3 The hearing will be conducted by the appropriate officer, or a panel set up to consider the case. An HR representative nominated by the Trust's HR Service will also be in attendance. The investigating officer will also be present. The employee may bring a companion with them to the disciplinary hearing (see paragraph 11).
- 12.4 At the disciplinary hearing, the Investigating Officer will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. Relevant witnesses may be asked by the Investigating Officer or the employee to appear at the hearing. The employee should give as much notice as possible and 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 and be given the opportunity to ask questions of the investigating officer and/or the witnesses.
- 12.5 The hearing officer/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.
- 12.6 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. They will also be advised of their right of appeal (if appropriate).

13 Disciplinary Sanctions

- 13.1 The hearing officer may find that there is no case to answer and disregard the allegation or informal management advice may be issued. They may refer the case back to be dealt with through a different process such as through performance or may choose to give the employee a disciplinary warning or dismiss them.
- 13.2 The usual sanctions for misconduct are set out below. No penalty should be imposed without a hearing. The Trust treats all employees fairly and consistently, and a penalty 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.
- 13.3 First written warning: A first written warning may be authorised by the hearing officer or panel. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.
- 13.4 Final written warning: A final written warning may be authorised by the Hearing officer or panel. It will usually be appropriate for:
- (a) misconduct where there is already an active written warning on the employee's record of a similar nature; or
 - (b) misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.
- 13.5 Dismissal: Dismissal may be authorised by a Trust Senior Manager, a Headteacher, Board Member or panel. It will usually only be appropriate for:
- (a) further misconduct where there is a series of active final written warnings on the record; or
 - (b) 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). Examples of gross misconduct are set out in the Disciplinary definitions which are contained in this policy.
- 13.6 Alternatives to dismissal: In some exceptional cases, the hearing officer may, at their discretion consider alternatives to dismissal. The alternative and reasons for it will be discussed with the employee and their union representative. These may be authorised by the hearing officer/panel and will usually be accompanied by a final written warning. Examples include:
- a. Demotion.
 - b. Transfer to another department or job.
 - c. Loss of seniority.
 - d. Reduction in pay.
 - e. Loss of future pay increment or bonus.

- f. Loss of overtime.

14 The effect of a warning

- 14.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, any training or assistance that will be provided, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
- 14.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct or warnings relating to safeguarding concerns, a final written warning may state that it will remain active indefinitely.

15 Appeals against disciplinary action

- 15.1 The employee has the right to appeal against any disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the relevant HR Advisor within 5 working days of the date on which the employee was informed of the decision. However, the 5 working days' time frame can be extended on request of the employee where further evidence or testimony is required which cannot be made available within this time.
- 15.2 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 of service or pay or any other detriment.
- 15.3 If any new matters are raised in the appeal hearing, further investigation may need to be carried out. 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 have a reasonable opportunity to consider this information before the hearing and the panel may decide to adjourn the hearing until a later date.
- 15.4 The employee must be given written notice of the date, time and place of the appeal hearing. This notice will be given normally within 10 working days after receipt of the appeal.
- 15.5 Appeals will be heard as soon as practicably possible, and normally within 10 working days allowing sufficient time for the employee to prepare. 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. This will be at Hearing Managers/Panels discretion and depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible and with HR guidance.
- 15.6 Where possible, the appeal hearing will be conducted impartially by a different panel of governors or Senior Managers who have not been previously

involved in the case. The employee may bring a companion to the appeal hearing.

- 15.7 Following the appeal hearing the Panel may:
- a. confirm the original decision;
 - b. revoke the original decision; or
 - c. substitute a different penalty, provided that a penalty will not be increased on appeal.
- 15.8 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. There is no further right to appeal.

16 Referrals to external bodies

- 16.1 In cases where employees are dismissed or resign during a disciplinary process a referral to the Disclosure and Barring Service and the Teaching Agency on behalf of Secretary of State will be made where the thresholds for referral are met.

MONITORING AND REVIEW

All records will be treated as confidential and in line with the Data Protection Act and General Data Protection Guidelines.

The Trust will monitor the application of this policy to ensure consistency of application and adherence to equalities legislation as required under the Equality Act. This information will be shared with trade union representatives.

Appendix 1 - Procedure for Disciplinary / Appeal Hearing

During this process, either party can take an adjournment when it decides to do so.

During any disciplinary hearing conducted within the Trust, the following will take place:

1. Introductions

The Chair or hearing officer will introduce the hearing and explain its purpose and how it will be conducted. The purpose of the hearing will normally be to establish the facts and determine, on conclusion of the hearing, whether the Trust has proper grounds to take disciplinary action against the employee and, if so, the level of such disciplinary action.

The parties present at the hearing will introduce themselves and confirm their respective roles in the hearing. The employee will be entitled to be accompanied, if they wish, by a fellow worker or trade union representative of their choice.

2. Purpose of the hearing & confirmation of witnesses

The Chair will state that the hearing is being conducted as part of Trust's Disciplinary Procedure and confirm that a written record of the hearing will be made.

The Chair will state whether any witnesses have been asked to give evidence at the hearing, and if so, who they are.

3. The Trust's presentation of case

The Investigating Officer/ Head Teacher or Senior Manager will explain fully the case, i.e., the employee's alleged or suspected misconduct or other circumstance leading to the possibility of disciplinary action being taken against the employee.

All the relevant facts will be put to the employee, with specific examples of relevant incidents.

Any witnesses whom the Investigating Officer / Headteacher or Senior Manager have decided to call will be called into the hearing and asked to state their evidence in front of the parties. The employee and their representative may ask questions of the witnesses. The Chair or panel may also ask questions. The witness will leave the hearing and will wait in the designated area until it is appropriate for them to leave. The chair will communicate this with them. Any witnesses may not discuss the case with each other.

4. Questions of the Trust's case by the employee

The employee or their representative will be allowed a full opportunity to question the Investigating Officer / Headteacher or Manager on the case, and to raise points about any information provided by witnesses.

5. Questions of the Trust's case by The Chair or Panel.

The panel will be allowed the opportunity to question the Investigating Officer / Headteacher or Manager on the case, and to raise points about any information provided by witnesses.

6. Employee's presentation of case

The employee will be allowed a full and fair opportunity to state their view of events, explain their conduct and state any mitigating factors. They may do this personally, or the employee's representative (if they have elected to be represented) may do this on their behalf.

Any witnesses whom the employee has arranged to call will be called into the hearing and asked to state their evidence in front of the parties. The Investigating Officer / Headteacher or Manager may ask questions of the witnesses. The Chair or panel may also ask questions. The witness will leave the hearing and will wait in the designated area until it is appropriate for them to leave. The Chair will communicate this to them. Any witnesses may not discuss the case with each other.

7. Questions of the employee's case by the Investigating Officer/ Headteacher or Manager

The Investigating Officer will be allowed a full opportunity to question the employee on their case, and to raise points about any information provided by witnesses.

8. Questions of the employee's case by the panel

The chair or panel will question the employee on their evidence and raise points about any information provided by witnesses. Although the employee may confer with their representative at any time during the hearing on request, the Chair has the right to ask the employee personally to answer any questions put to them.

9. Investigating Officer/ Headteacher or Manager sum up their key points.

10. Employee and/or their representative sum up their key points.

11. The Investigating Officer/ Headteacher or Manager, employee and representative leave the hearing.

12. Chair or Panel make their decision. This will be supported by HR professionals.

13. Decision is delivered

The chair will reconvene the hearing and inform the employee of the outcome. The chair may choose to convey the decision in an alternative way to the employee and if this is the case should inform the employee of this prior to adjourning the hearing to make the decision.

14. Right of appeal

The chair will inform the employee that they will have the right to appeal against any disciplinary penalty imposed on them. The chair will describe timescales for lodging an appeal and the appeal being heard.

15. The Chair will close the meeting.

At any point during the hearing, the chair may adjourn the proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information).

Appeal hearings will follow the same procedure with the exception of point 14.

Appendix 2 – Disciplinary Definitions

Policy statement

These Disciplinary Rules form part of the Disciplinary Procedure. They 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.

It is the Trust's policy to ensure that any disciplinary matter is dealt with fairly and in accordance with the Disciplinary Procedure.

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 a member of Human Resources.

Rules of conduct

While working for the Trust, employees should at all times maintain professional and responsible standards of conduct. In particular, employees should:

- a. Observe the terms and conditions of your contract, particularly with regard to:
- b. Hours of work; (ii) confidentiality; (iii) any other important contractual terms.
- c. Ensure that they understand and follow the Trust's Code of Conduct which is set out in the Staff Handbook or on the intranet.
- d. Observe all of Trust's policies, procedures and regulations which are available in each school or notified to employees from time to time by means of notice boards, e-mail, the intranet or otherwise.
- e. 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
- f. Comply with all reasonable instructions given by the Headteacher and managers.
- g. Act at all times in good faith and in the best interests of the Trust and those of our pupils and staff.

Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Procedure.

Misconduct

The following are examples of matters that will normally be regarded as misconduct and may be dealt with under the Disciplinary Procedure:

- a. Breaches of the Trust's policies
- b. Breaches of an employee's contract of employment
- c. Damage to, or unauthorised use of, the Trust's property
- d. Repeated poor timekeeping or time wasting
- e. Unauthorised absence from work
- f. Refusal to follow reasonable instructions
- g. Excessive use of the Trust's telephones for personal calls
- h. Excessive personal e-mail or internet usage
- i. Obscene language or other offensive behaviour
- j. Negligence in the performance of duties
- k. Smoking in no-smoking areas
- l. or
- m. Poor attendance.

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

Gross misconduct

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). Context and mitigations will form part of the initial investigation and any subsequent meetings/consideration.

The following are examples of matters that are normally regarded as gross misconduct:

- a. Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public

- b. Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets, pupil's work, examinations or assessments
- c. Actual or threatened violence, or behaviour which provokes violence
- d. Deliberate damage to the buildings, fittings, property or equipment of the Trust, or the property of a colleague, contractor, pupil or member of the public
- e. Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries
- f. Serious failure to follow the Trust's child protection procedures
- g. Serious misuse of the Trust's property or name
- h. Deliberately accessing internet sites containing pornographic, offensive or obscene material using academy equipment whether on academy premises or during working time
- i. Repeated or serious failure to obey reasonable management instructions,
- j. Bringing the organisation into serious disrepute
- k. Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling duties because of the effects of alcohol or illegal drugs or other substances at any time
- l. Causing loss, damage or injury through serious negligence
- m. Serious or repeated breach of health and safety rules or serious misuse of safety equipment
- n. Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- o. Acceptance of bribes or other secret payments

- p. Accepting a gift from a customer, supplier, contractor or other third party in connection with employment without prior consent from your line manager
- q. Conviction for a criminal offence that in the opinion of the Trust may affect its reputation or its relationships with staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for the Trust
- r. Possession, use, supply or attempted supply of illegal drugs
- s. Serious neglect of duties, or a serious or deliberate breach of contract or operating procedures
- t. Knowing breach of statutory rules affecting your work
- u. Unauthorised use, processing or disclosure of personal data contrary to the Trust's Data Protection Policy
- v. Harassment of, or discrimination against employees, pupils, parents or members of the public, related to the protected characteristics within the Equalities Act 2010 e.g.: gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief, sexual orientation, age or pregnancy and maternity contrary to our Equal Opportunities Policy
- w. Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties
- x. Giving false information as to qualifications or entitlement to work (including immigration status)
- y. Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child

- z. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith
- aa. Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing Policy, Grievance Procedure, Disciplinary Procedure or otherwise
- bb. Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to our Electronic Information and Communication Systems Policy
- cc. Undertaking unauthorised paid or unpaid employment during your working hours
- dd. Unauthorised entry into an area of the premises to which access is prohibited
- ee. Off duty misconduct which in the context of employment, fundamentally undermines the confidence or trust the Trust has in the employee and/or could bring the academy into disrepute.

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.