



# **Disciplinary Procedure**

## **December 2024**

**Approved by the Trust Board: 16<sup>th</sup> December 2024**

**To be reviewed: 16th December 2025**

## **1 Introduction**

- 1.1 The main purpose of the disciplinary procedure is to encourage an employee whose conduct is unsatisfactory to improve. The standards of conduct expected of all employees are set out in the Disciplinary Rules contained in Appendix 1.
- 1.2 The procedure serves to ensure that any disciplinary matter is dealt with fairly and consistently, without unreasonable delay and that steps are taken to establish the facts and to give the employees the opportunity to respond before taking any formal action. This procedure has been developed in line with ACAS guidance.
- 1.3 The disciplinary procedure is not contractual and may be varied by the Trust through genuine and meaningful consultation. It has been implemented following consultation with all recognised trade unions and staff.
- 1.4 If an employee has difficulty at any stage of a procedure due to a disability, they should discuss the situation with their line manager / Executive Headteacher / Headteacher or Chief Executive Officer (CEO) as soon as possible.
- 1.5 The disciplinary procedure is strictly confidential and all aspects, including all documentation and records, shall be treated as such.
  - In minor cases of alleged misconduct the line manager should initially seek to resolve the matter informally by discussion with the employee and provide informal support where appropriate. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of such informal discussions may be placed on the employee's personnel file. Please see section 3 for further details.
  - The disciplinary procedure is to be used where an employee's conduct is alleged to be unsatisfactory.
  - Each step and action under the procedure must be taken without unreasonable delay by either the Trust or the employee.
  - The timing and location of meetings must be reasonable.

## **2 Scope**

- 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/agency staff, contractors or volunteers.
- 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 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 DDAT staff in and 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.
- 2.5 Support may be obtained through the schools Employee Assist Programme e.g. Schools Advisory Service or via Education Support: Education Support, supporting teachers and education staff. Support can also be accessed via the Mental Health First Aiders either in school or via the Central Team.

### **3 Powers**

- 3.1 Where disciplinary action is being considered by the Trust, it will appoint a panel of appropriate status and seniority to hear the case, consisting of at least one director nominee or member of the Local Academy Committee (LAC). The Trust may appoint an external professional investigator or advisor to the panel.
- 3.2 Before any disciplinary decision is made the employee will be advised of the allegations against him/her and will be given the opportunity to state his/her case. The employee will be notified in writing of the allegations to be answered (plus any documentary evidence) before the disciplinary hearing.
- 3.3 The employee must make every effort to attend an investigative interview or disciplinary hearing and failure to attend, without good reason, may be treated as misconduct in itself. If the employee fails to attend without good reason, or if he/she is persistently unable to do so (for example for health reasons), the Trust may have to take a decision based on the available evidence.
- 3.4 At any disciplinary hearing or appeal hearing the employee will have the right to put forward his/her case. The Trust will only consider evidence presented by the employee which is relevant to the allegations.
- 3.5 The outcome/decision and the reasons shall be communicated in writing to the employee.
- 3.6 The employee will be advised of his/her right of appeal and how to exercise that right.

## **4 Confidentiality and data protection**

- 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 in connection with an investigation or disciplinary matter as confidential during or after an investigation into an allegation.
- 4.2 A breach of confidentiality will be taken seriously and may warrant its own investigation.
- 4.3 Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 4.4 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.
- 4.5 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 the Trust needs to make parents aware of any allegations, they should equally make them and others aware there are restrictions on publishing information
- 4.6 During informal action, formal investigation and any subsequent stages of the procedure, the Trust will collect, process and store personal data in accordance with our 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 DDAT Data Protection 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.

## **5 Allegation**

- 5.1 Allegations may be brought to the Trust's attention in a number of ways and through a variety of sources, including through the DDAT Whistleblowing Policy. 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 Executive Headteacher / Headteacher / CEO 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.
- 5.2 Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Designated Safeguarding Lead who should refer to the Trusts Central Safeguarding Lead and the LADO. No further action under

this procedure will usually be taken until the Local Authority Designated Officer (LADO) has been consulted.

## **6 Anonymous Allegations**

- 6.1 Anonymous allegations will be treated seriously. The extent of the investigation required will depend upon the seriousness and complexity of the allegations raised and the information provided. Advice should be sought from the Central HR team and consideration should be given to whether there is enough evidence to proceed with the investigation.

## **7 Minor conduct issues – Informal Management Intervention**

- 7.1 Minor conduct issues can often be resolved informally between the employee and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. It may be determined that following a fact-finding exercise or a formal investigation that informal management intervention may be the appropriate action.

Such action is not considered to be formal action within the terms of the Disciplinary Policy and Procedure; however, an informal record will be kept and progress reviewed. Any employees aggrieved by this process shall have the right to implement the grievance procedure.

- 7.2 The discussions should clarify the areas of concern, establish any action or support necessary to assist the employee to meet the required standard and a review date at which to assess progress may be set.

Where appropriate, confirmation of the discussion should be put in writing to the employee, and a copy placed on the employee's personnel file for the duration of the monitoring period as outlined in the letter but will not be relied upon for the purposes of any future disciplinary hearings.

- 7.3 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).

## **8 The right to be accompanied**

- 8.1 There is no statutory right to be accompanied at an investigation meeting although this is good practice. However, the employee has a statutory right to bring a companion to any disciplinary or appeal hearing. The companion may be either a trade union representative or a work colleague. The employee must tell the disciplinary panel who his/her chosen companion is, in good time before the hearing.

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

- 8.3 If the choice of companion is considered, when exercising fair discretion, to

compromise the fairness and impartiality of the process in any way, the Trust may ask for the employee to choose someone else. For example:

- if in the Trust's opinion the employee's companion may have a conflict of interest or may prejudice the hearing; or
- if the companion is unavailable at the time a hearing is scheduled and will not be available for more than 5 working days afterwards.

8.4 The Trust may, at its absolute discretion, allow the employee to bring a companion who is not a work colleague or union representative (for example a member of family) if this will help the employee overcome a disability.

8.5 At any meeting under this procedure, the companion may make representations to the Trust and ask questions but should not answer questions on the employee's behalf. The employee may confer privately with his/her companion at any time during a meeting.

8.6 An employee, companion or any other person attending a meeting under this policy must not make electronic recordings of any meetings or hearings.

## **9 Trade Union Officials**

9.1 Although normal disciplinary standards will apply to their conduct and performance as employees, no disciplinary action or suspension will be taken until the circumstances of the case have been discussed with an appropriate full-time official. In the case of suspension this may not be practical and should not prevent the Trust taking action.

## **10 Suspension**

10.1 In certain circumstances, such as, for example, where the allegations relate to serious misconduct, safeguarding issues or where the employee's continued presence may prejudice an investigation, consideration may be given to suspending the member of staff from their place of work at the outset of the investigation or at any stage during the course of the investigation. When considering suspension, advice will be sought from the Trust's HR Department and consideration will be given to the appropriateness of alternative roles or if reasonable adjustments can be made to the role as an alternative to suspension. Suspension should be undertaken by a director of the Trust or a suitably appointed person by a director.

10.2 The decision to suspend may only be taken by those with delegated powers from the Board. The CEO or Chair of Trustees have the power to make the decision to suspend an Executive Headteacher/ Headteacher and must notify the full Trust Board or Chair of Trustees. Where the CEO is suspended the Chair of Trustees only has the power to do so and must notify the full Trust Board. In other cases the Trust Board should be informed through the CEO/Chair of Trustees. Wherever possible, the decision to suspend an employee should be communicated to them at the School

/Trust premises in person. The decision and terms of any period of suspension should always be confirmed in writing.

- 10.3 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 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, wellbeing and potential impact on their mental health, alongside if their continued presence would result in potential harm to the organisation or others or make it difficult to investigate.
- 10.4 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.
- 10.5 While the employee is suspended, he/she should not, without the express permission of the Trust or the Executive Headteacher / Headteacher / CEO, visit any DDAT premises or contact any of its students, parents, LAC members, Chair of Trustees, contractors, directors, members or colleagues, unless the employee has been authorised to do so by the Executive Headteacher / Headteacher or DDAT Executive. The employee will be provided with details of a contact officer during the period of suspension, with whom to correspond.
- 10.6 Suspension of this kind is a neutral act and not a disciplinary penalty and does not imply that any decision has already been made about the allegations or imply any guilt. The employee will continue to receive his/her salary and benefits during the period of suspension and be provided with an appropriate named contact within School/Trust who will provide welfare support.
- 10.7 The suspension will be for no longer than is necessary and the Trust will confirm the specific arrangements to the employee in writing, however, the employee will be required to abstain from their normal duties during such period.
- 10.8 Every effort will be made to avoid lengthy periods of suspension. The decision to suspend and the conditions of suspension will be reviewed periodically by the Trust and the employee will be updated as and when necessary. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.
- 10.9 The School/ Trust 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
- 10.10 It is recognised that suspension may impact on an employee's mental wellbeing. The method and frequency of keeping in touch will be agreed and the employee will be

kept updated on the progress of the investigation and disciplinary process. Employees will also be made aware of the support available e.g. through the School/Trust's counselling service or Education Support (see section 2 for more details).

## **11 Investigations**

- 11.1 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 Executive Headteacher / Headteacher / CEO / Line Manager should seek to establish the basic facts (informal fact find) of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.
- 11.2 The purpose of an investigation is for the Trust to establish a fair and balanced view of the facts relating to any disciplinary allegations 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 relevant witnesses, and/or reviewing relevant documents.
- 11.3 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing (hosted by a disciplinary panel) has been held. The Trust will appoint an independent Investigating Officer who has no prior knowledge of the matter to be investigated. The Investigating Officer's role will be to conduct a thorough and reasonable investigation and consider and recommend if there is a case to answer at a hearing.. At a disciplinary hearing the Investigating Officer will be required to present their findings and/or answer queries. They may also be called as a witness at an appeal hearing. For the avoidance of doubt, an Investigating Officer will not recommend a sanction or have no decision-making role in the disciplinary process and will not be appointed to a disciplinary or appeal panel relating to the allegations.
- 11.4 An employee may be accompanied to an investigative interview by a work colleague or trade union representative, however it is noted that this is best practice and there is no statutory right to be accompanied at an investigation meeting or informal fact finding process.
- 11.5 Any employee required to attend an investigatory meeting will be invited in writing by the Trust, offering them the to be accompanied by a work colleague or Trade Union representative.
- 11.6 The employee must co-operate fully and promptly in any investigation. This will include informing the Trust of the names of any relevant witnesses, disclosing any relevant documents to the Trust and attending investigative interviews if required. Failure to comply may lead to disciplinary action.
- 11.7 It is incumbent on the employee, during the investigation stage, to raise details of additional witnesses whom the Trust should interview during the investigation.



11.8 Minutes should be taken of all investigatory meetings, and these should be signed and dated by all attending parties.

## **12 Notification of a disciplinary hearing**

12.1 Following any investigation, if the Trust considers there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The Trust will inform the employee of the allegations against them, the basis for those allegations and what the likely consequences will be if it is decided after a disciplinary hearing that the allegations are upheld. The Trust will also include the following where appropriate:

- (a) A summary of relevant information gathered during the investigation;
- (b) A copy of any relevant documents which will be used at the disciplinary hearing;
- (c) Confirmation of whether any witnesses will attend the disciplinary hearing; and
- (d) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Trust will provide as much information as possible whilst maintaining confidentiality.

12.2 The Trust will provide written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable but the employee will be given at least 5 working days' notice.

12.3 If the employee or their companion cannot attend the hearing, the employee should inform the Trust immediately and it will arrange an alternative time. If the companion is not able to attend the scheduled hearing and will not be available for more than five working days afterwards, the Trust may ask the employee to choose someone else. The employee must make every effort to attend the meeting and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason or is persistently unable to do so (for example, for health reasons), the Trust may have to take a decision based on the available evidence.

## **13 Criminal Charges**

13.1 Where the employee's conduct is the subject of a criminal investigation, arrest, charge or conviction, the Trust will investigate the facts before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances. Employees should inform their Executive Headteacher / Headteacher / CEO 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.

13.2 The Trust will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Trust may have to take a decision based on the available evidence.

- 13.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Trust considers that it is relevant to the employee's employment.
- 13.4 Where a criminal investigation relates to allegations of abuse of children or young people the School / Trust will co-operate and share information about the employee with other relevant agencies as appropriate following advice from the Local Authority Designated Officer (LADO).

## **14 Procedure at Disciplinary Hearings**

- 14.1 At the beginning of the hearing, the disciplinary panel will introduce those present and the purpose of the meeting. The employee will be reminded of his/her right to be accompanied (if the employee has not chosen to be accompanied by a trade union representative or a work colleague).
- 14.2 The Investigation Officer will go through the allegations against the employee, the investigation report and the evidence that has been gathered. The employee will be able to respond and present any relevant evidence. The disciplinary panel and the employee/their representative will be given the opportunity to ask the Investigating Officer questions and the Investigating Officer can make any points for clarification before both sides are offered the opportunity to provide a summary.
- 14.3 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.
- 14.4 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.
- 14.5 The employee will be given a full opportunity to ask questions and put forward any mitigating factors which he/she believes are relevant to the allegations. The employee's companion may make representations to the disciplinary panel and ask questions but should not answer questions on the employee's behalf. The employee and companion may confer privately at any time during the hearing.
- 14.6 Once the employee has been afforded an opportunity to explain their position, the Investigating Officer and employee/their representative will then leave the disciplinary hearing and the disciplinary panel will either:

- a. give the decision and explain the reasons for the decision, and confirm it as soon as possible in writing; or
- b. carry out further investigation as is reasonably necessary and convene a further meeting if appropriate (the employee will be given a reasonable opportunity to consider any new information obtained before the hearing is re-convened); or
- c. inform the employee that the decision will be given in writing as soon as possible (usually within 5 working days of the disciplinary meeting).

## 15 Levels of Disciplinary Action

- 15.1 There are four stages, each of which is designed to cover the varying seriousness of the cases. The stages give a proper sequence for persistent cases. Where the case is of sufficient importance or seriousness to use the procedure, disciplinary action will be taken at whatever stage appears appropriate to the circumstances.
- 15.2 The Trust aims to treat 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. No penalty should be imposed without a hearing.
- 15.3 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice and without pay in lieu of notice.
- 15.4 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain live and the likely consequences of further misconduct in that active period.
- 15.5 The following decisions will be confirmed in writing and usually within 5 working days of the disciplinary meeting:
  - **The decision to issue no warning.**
  - **Exoneration from the allegations**
  - **Informal Management Intervention or to provide informal support.**
  - **Sanction 1 - A first warning** may be given where the case is of sufficient importance or seriousness to bring to the attention of the employee formally.
  - **Sanction 2 - A written warning** may be given where the case has already involved a first warning and insufficient improvement has been made, where further misconduct has occurred, or where the case is of sufficient importance or seriousness to warrant a written warning without a first written warning.
  - **Sanction 3 - A final warning** may be given where the case has already involved a written warning and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient

importance or seriousness, also where gross misconduct may not warrant dismissal, for example, due to mitigating circumstances.

- **Sanction 4 - Dismissal.** An employee is likely to be dismissed where the case has already involved the final warning and insufficient improvement has been made, where further misconduct has occurred, where the case is so serious as to constitute gross misconduct, or where there is some other substantial reason. For cases of misconduct, dismissal will be with notice.

15.6 Warnings may be live for a longer period than specified above depending on the seriousness of the misconduct and the wider circumstances of the case. The conduct will be reviewed at the end of a warning's active period and if it has not improved sufficiently the active period may be extended.

15.7 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.

15.8 For cases of gross misconduct, the dismissal may be regarded as summary and there will be no entitlement to notice. In the case of other misconduct, appropriate notice will be given. Where appropriate the employee may be offered pay in lieu of notice or may not be required to attend work during the notice period.

## **16 Alternatives to dismissal**

16.1 In some cases, the Trust may at its discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- d. demotion;
- e. transfer to another department or job;
- f. loss of seniority;
- g. reduction in pay;
- h. loss of future pay increment.

## **17 The Decision Letter**

17.1 A letter detailing the decision and if appropriate the level of sanction/warning issued will be given to the employee and a copy placed on their personnel file, as soon as possible after the disciplinary meeting has concluded.

17.2 Following the outcome of the hearing the decision letter will state:

- i. The decision (i.e. that there is no case to answer or the findings and the appropriate level of disciplinary sanction).
- j. The reason for the decision.

- k. The course of action to be followed by the employee.
- l. The time scale in which improvement is required, if applicable.
- m. Where assistance is required, the assistance which will be made available to the employee (e.g. training and guidance).
- n. The length/period of time the warning remains in place
- o. That further disciplinary action will be considered if there is further misconduct or insufficient improvement within the time scale of the warning.
- p. The right of appeal against the decision and how to exercise that right.
- q. **If the warning is a final warning** it will also state that if the employee's conduct continues to be unsatisfactory or if there is further misconduct it may lead to dismissal.

## **18 Time Limit for Warnings**

18.1 All formal warnings shall normally expire after a period of satisfactory conduct of 12 months (written and final written) but this period can be reduced at the discretion of the Trust. In exceptional circumstances the Disciplining panel may consider that the disciplinary warning period should exceed this.

18.2 Details of spent warnings shall remain on personal files but shall be disregarded for the purposes of any future disciplinary proceedings, except in exceptional circumstances e.g. where they demonstrate patterns of behaviour which give rise for concern.

18.3 Breaches of discipline will be disregarded after the specified period of satisfactory conduct but will remain permanently on the employee's personnel file. A spent disciplinary warning shall not be referred to on any reference provided by the Trust to a prospective employer. If enquiries are made about spent warnings by a prospective employer, the Trust shall decline to answer such.

## **19 Right of Appeal**

19.1 All employees have the right of appeal.

19.2 Appeals must be lodged in writing to the Headteacher within five working days of the decision being communicated to the employee (i.e. usually within five working days of the date of the outcome letter). The appeal letter must state the full grounds of appeal.

19.3 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 the employee will be reinstated with no loss of continuity of pay or service.

- 19.4 If the employee raises any new matters in his/her appeal, the appeal panel may need to carry out further investigation. If any new information comes to light the appeal panel will provide 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 is reconvened.
- 19.5 The Trust will give the employee at least 5 working days' written notice of the date, time and place of the appeal hearing. The employee may bring a companion to the appeal hearing.
- 19.6 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 the Trust's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 19.7 The appeal hearing will be conducted impartially and where possible, the panel shall be chaired by a more senior person that has not been previously involved in the case. The employee may bring a work colleague or trade union representative to the appeal hearing.
- 19.8 The appeal panel may adjourn the appeal hearing if the Trust needs to carry out any further investigations in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before a decision is given.
- 19.9 The appeal panel may:
- confirm the original decision;
  - revoke the original decision / exonerate the employee from the allegations; or
  - substitute a different penalty.
- 19.10 In the event that a different penalty is substituted, ordinarily any sanction would not be more severe sanction than was originally applied unless there is new information or evidence being available that requires further investigation.
- 19.11 The appeal panel will inform the employee in writing of the final decision as soon as possible and usually within 5 working days of the hearing.
- 19.12 There will be no further right of appeal.

## **20 Referrals to external bodies**

- 20.1 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.

## 21 Appendix 1 - Disciplinary rules

### Policy statement

These Disciplinary Rules should be read in conjunction with our Disciplinary Procedure and the school's Code of Conduct. 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 line managers can work with staff to maintain those standards and encourage improvement where necessary.

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

If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to your line manager or a member of the Trust Board.

These rules have been agreed following consultation with all recognised trade unions and staff.

We may amend our Disciplinary Rules at any time following consultation with all recognised trade unions and staff.

#### 1. Rules of conduct

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

- observe the terms and conditions of your contract, particularly with regard to:
  - *hours of work;*
  - *safeguarding;*
  - *teachers standards;*
  - *confidentiality;*
- ensure that you understand and follow our Code of Conduct which is available in the staff handbook;
- observe all our policies, procedures and regulations which are included in the Staff Handbook or notified to you from time to time by means of notice boards, e-mail, the intranet or otherwise;
- take reasonable care in respect of the health and safety of colleagues and third parties and comply with our Health and Safety Policy;
- comply with all reasonable instructions given by managers; and



- act at all times in good faith and in the best interests of the pupils, parents / carers, staff and others visiting the site.

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

## **2. Misconduct**

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

- Minor breaches of our policies including the Sickness Absence Policy, Electronic Information and Communications Systems Policy, and Health and Safety Policy;
- Minor breaches of your contract;
- Damage to, or unauthorised use of, our property;
- Poor timekeeping;
- Time wasting;
- Unauthorised absence from work;
- Refusal to follow instructions;
- Excessive use of our telephones for personal calls;
- Excessive personal e-mail or internet usage;
- Obscene language or other offensive behaviour;
- Negligence in the administration of exams or statutory tests;
- Failure to act in a professional manner with colleagues, pupils, parents, LAC members, members of the public or other third parties;
- Negligence in the performance of your duties; or
- Smoking in no-smoking areas.

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

### **3. Gross misconduct**

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice reputation or irreparably damage the working relationship and trust between us. Gross misconduct will be dealt with under our Disciplinary Procedure 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:

- Theft, or unauthorised possession or removal of our property or the property of a colleague, contractor, pupil, parent, LAC member or member of the public;
- Fraud, forgery or other dishonesty, including fabrication of records, expense claims and time sheets;
- Physical violence or bullying;
- Deliberate and serious damage to property;
- Serious misuse of our property or name;
- Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- Unlawful discrimination or harassment;
- Bringing the organisation into serious disrepute;
- Being under the influence of alcohol, illegal drugs or other substances during working hours;
- Causing loss, damage or injury through serious negligence;
- Serious or repeated breach of health and safety rules or serious misuse of, damage to or misappropriation of safety equipment;
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- Accepting or offering a bribe or other secret payment;
- Accepting a gift above the value of £50.00 from a parent, supplier, contractor or other third party in connection with your employment without prior consent from your line manager;
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, pupils, LAC Members, parents or the public, or

otherwise affects your suitability to continue to work for us;

- Possession, use, supply or attempted supply of illegal drugs;
- Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- Knowing breach of statutory rules affecting your work;
- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
- Harassment or bullying of, or discrimination against, employees, contractors, pupils, parents, LAC Members or members of the public, related to gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age;
- 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;
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- Abuse of a service user;
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously;
- Making untrue allegations in bad faith against a colleague;
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-corruption and bribery policy, Anti- harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise;
- 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 Information and Communications Systems Policy;
- Undertaking unauthorised paid or unpaid employment during your working hours;
- In respect of employees whose posts are subject to Criminal Records Checks or other clearances, failure to notify line management of any activity likely to result in subsequent criminal investigation, conviction or police caution being served;
- Failure to meet the registration requirements of a statutory body;
- Serious maladministration of exams or statutory tests;

- Abuse of your position to obtain a personal advantage or benefit, or an advantage or benefit for someone else;
- Unauthorised entry into an area of the premises to which access is prohibited.
- Failure to meet safeguarding responsibilities.

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