

# drb Ignite Multi Academy Trust

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## **DISCIPLINARY POLICY**

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## Vision

The drb Ignite Multi Academy Trust has been established through a shared belief that lives can be transformed by what goes on in schools. We believe that the process of teaching and learning shapes futures. To this end our vision is to provide every child with learning experiences that excite them and give them the power to begin to shape their own lives.

### Our vision:

*'all pupils achieve the highest standard of educational outcomes regardless of circumstances or background.'*

## 1. Aims

This policy aims to:

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

## 2. Legislation and guidance

We are required to set out our disciplinary procedures under general employment law. These disciplinary procedures are based on the ACAS Code of Practice:

- [Disciplinary and grievance code of practice from Acas.](#)

These procedures also comply with our funding agreement and articles of association, by following the guidance presented in the Teaching Regulation Agency's Guidance, *Teacher misconduct: disciplinary procedures for the teaching profession (May 2020)*:

- <https://www.gov.uk/government/publications/teacher-misconduct-disciplinary-procedures>

## 3. Definitions

- A disciplinary issue arises when a staff member has not behaved to the standard expected of them by the Trust.
- For the purpose of this policy, misconduct does not cover staff capability or poor performance issues. These are addressed in the Trust's *Staff Capability Policy*.

## 4. Disciplinary procedures

Minor disciplinary issues will be dealt with informally at first, and will be escalated only where:

- there has been no satisfactory resolution
- the issue is more serious
- there are repeated or multiple instances of misconduct
- there is suspected gross misconduct

When dealing with an issue informally, the employee's line manager will organise a brief meeting with the employee to set out concerns. The line manager will remind the employee of the Trust's expected standards of behaviour and consider what support is needed to help the employee improve. Notes will be taken and retained. If the issue cannot be dealt with informally, formal procedures will begin. The employee will be notified of this in a face-to-face meeting with the senior leadership team at school. Any meeting will be followed up in writing.

### 4.1 Suspension

In some circumstances it will be appropriate to suspend a member of staff temporarily, for example, where there is suspected gross misconduct. This will be a neutral act in that, in itself, it does not amount to guilt or constitute disciplinary action. It allows for a period of investigation.

Where this is necessary the:

- CEO and Headteacher must authorise the suspension. If it is the Headteacher who is the subject of the disciplinary procedure, the CEO and Trust Chair must authorise the suspension.
- staff member will be informed of the suspension in a face-to-face meeting, followed by a notification in writing within five working days.
- employee will be permitted to be accompanied to the meeting by either a colleague or trade union representative.
- staff member will be suspended on full pay in line with the terms and conditions of their contract.

### 4.2 Investigation

An investigating officer will be appointed. Before a disciplinary hearing takes place, the investigating officer will gather the facts of the case and evidence. The investigating officer will, if necessary, hold investigatory meetings.

The employee will be informed of the outcome of the investigation in writing.

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

### **4.3 Notification**

If it is decided that there is a disciplinary case to answer, the employee will receive a written notification 5 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include:

- details of the alleged misconduct and its possible consequences.
- copies of any written evidence, including witness statements.
- the time, date and location of the disciplinary meeting.
- a statement that the employee has the right to be accompanied by a colleague or a trade union representative.
- notification that the employer intends to call witnesses (if relevant).

If the employee intends to call a witness, they should notify the employer. A panel of at least three Trust leaders and Trustees will conduct the hearing.

### **4.4 Disciplinary hearing**

Before the hearing, the employee will receive a copy of all evidence that will be relied upon during the procedure. At the hearing, the disciplinary officer conducting the hearing will explain the case against the employee and go through the evidence that has been gathered. They may choose to have the investigating officer attend to present the management's case. The employee will be allowed to set out their case and answer any allegations that have been made against them. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.

**For note:** Employees have a statutory right to be accompanied at a meeting that may result in a formal warning being issued, disciplinary action being taken, or the confirmation of either of these. The employee has the right to be accompanied by a colleague or a trade union representative. Employees must make the request in advance of the meeting, to allow the Trust to prepare and to ensure the employer knows who the companion will be. If an employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date. The companion can address the hearing to present and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

## 4.5 Taking appropriate action

After all information has been presented, the hearing will be adjourned and a decision about whether further disciplinary action is necessary will be taken. The employee will be informed of the decision in writing within **five** working days.

Actions taken may be:

- **A verbal or informal warning** where it is decided that the action was not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the staff members behaviour, such as a training course or occupational health support.
- **A first written warning** for a first instance of misconduct. A further instance may result in a final written warning. A first written warning will remain on the employee's personnel file for twelve months. The written warning will explain that a further instance of misconduct or no change in behaviour within a given timeframe will result in a final warning.
- **A final written warning** where the employee has already received a first warning, or where the employee's misconduct was sufficiently serious. A further instance may result in demotion or dismissal.
- **Dismissal** where there has been gross misconduct, or a final written warning has already been given.

The Trust will refer a case of teacher gross misconduct to the *Teaching Regulation Agency (TRA)* if the Trust believes the case is so severe that the Agency should consider whether the teacher should be prevented from teaching.

## 4.6 Dismissal

The power to decide that a member of staff should no longer work at the Trust rests with the Trust Board or its delegated authority i.e. the panel.

Once the decision that the staff member should no longer work at the Trust has been taken, the panel to whom the power has been delegated, will notify the CEO and Trust Board of its decision and the reasons for it. The Trust must dismiss the employee within 14 days of the date of the notification. The power to dismiss staff in a Trust school rests with the Trust Board and may be delegated to a panel comprised of senior staff and Trustees.

## 4.7 Appeals process

The employee has the right to appeal any sanction. Appeals must be made in writing within **ten** working days of the decision, setting out at the same time the grounds for appeal. A disciplinary appeals officer/panel will then be appointed.

The Panel will be comprised of senior leaders and Trustees (minimum of three) who have not previously been involved with the process or issue to ensure impartiality.

Appeals will be heard without unreasonable delay and at an agreed time and place. Employees' statutory right to be accompanied by a companion will apply as with formal disciplinary hearings. Notes will be taken and a copy sent to the employee. The employee will be informed in writing of the results of the appeal hearing within **five** working days.

#### **4.8 Special cases**

- if the employee involved in a disciplinary procedure is also the trade union representative, the Trust will notify the union and discuss the matter with an official employed by the trade union before action is taken, after obtaining the employee's agreement. The procedure will then continue as normal.
- if the employee subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.
- if the employee who is subject to disciplinary procedures raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

#### **5. Record keeping**

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

Records of all materials relating to the process will be kept securely, only for as long as necessary and in line with GDPR legislation and the Trust's data security and privacy policies. If disciplinary action is taken, a record of this will be added to the employee's personnel file. The Trust will disclose any proven disciplinary offences by a staff member if a reference is requested by a future employer.

#### **6. Monitoring arrangements**

This policy will be reviewed regularly and will be revised as needed.

## 7. Links with other policies

This Policy links with the Trust policies on:

- Staff code of conduct
- Capability of staff policy
- Staff grievance procedures
- Equality and diversity
- Safeguarding procedures
- Data Protection (GDPR Policy)
- Information Security Policy

<b>Monitoring and review:</b>	HR
<b>Links:</b>	Safeguarding Policy and Procedures Staff Capability Whistleblowing Grievance
<b>Staff responsible:</b>	CEO
<b>Committee responsible:</b>	Trust Board
<b>Date reviewed:</b>	December 2022
<b>Next review:</b>	December 2023
<b>Sign off by Chair of Trust:</b>	 Date: December 2022

- Please note that should there be any changes/further national guidance issued relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

## Change Management

Issue No:	Change date:	Change description:
1.0	Nov 2018	First review
2.0	Dec 2020	Second review (removal of EGGs)
3.0	Dec 2022	Third Review