



“All different, all equal, all achieving together”

Disciplinary Procedure

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1. Principles and scope

The disciplinary procedure supports the Learn@ MAT's standards of conduct and behavior (including the Code of Conduct) and aims to ensure consistent and fair treatment for all employees. It is not contractual and can be varied at any time by Learn@MAT.

Although the standards of behavior and conduct apply to all staff, only employees who are no longer in their probationary periods and who are not newly qualified teachers will have the right to the procedural steps set out below.

It is important that all those who are involved in any disciplinary process maintain confidentiality. It is also important that the disciplinary procedure is implemented without unreasonable delay so that it is able to conclude and provide certainty to those involved. There may be circumstances therefore when the procedure continues to conclusion even when employees who are involved or even subject to this procedure are absent on sickness grounds.

If a grievance is raised during the implementation of this procedure and the matters raised are related to the disciplinary matters, the grievance will be stayed pending the conclusion of this procedure and any relevant matters raised will be taken into consideration as part of the procedure.

2. Cases of Safeguarding or financial irregularities

Any complaint involving allegations relating to child protection issues must be referred to the Local Authority Designated Officer and CEO immediately and then their advice must be considered before any investigation takes place under this procedure.

All investigations involving child protections issues will be held in accordance with the DfE Document 'Keeping Children Safe in Education' and other relevant documents.

The Trustees, CEO and CFOO must be notified of any allegations or indications of any financial irregularities immediately. The results of financial investigations will form part of the conclusion and recommendation of any investigatory report.

3. Suspension

An employee may be suspended if there is an allegation of gross misconduct or if the employee's presence at work could hinder the investigation. Suspension is not a disciplinary penalty and it will not prejudice any future disciplinary hearing.

The employee should ensure that they are aware of their one point of contact while suspended.

During the suspension, an employee will be paid the same as if s/he were on authorised absence.

Suspension will be reviewed to ensure that it is not in place longer than is reasonable in the circumstances.

4. Investigation

If an allegation of misconduct has substance, there may be a requirement to investigate it. There may not be a requirement to investigate it if the facts are not disputed.

If there is a disciplinary investigation, the employee subject to this procedure will be invited to a disciplinary investigation meeting and will be provided with reasonable notice which is likely to be a couple of days. An employee will be permitted to be accompanied by a trade union representative or work colleague. However, the investigation meeting will not be re-arranged to accommodate the companion's availability.

Any investigation should be completed within four working weeks (unless there are exceptional circumstances). Where the conclusion of the investigation is that there is a case to answer, a disciplinary hearing may be held.

5. Disciplinary Hearing

Where it is concluded that there is a disciplinary case to answer, the employee will be notified in writing that a disciplinary hearing will take place. The employee should be given at least five working days' notice of the hearing. The following information should also be included in the letter:

- A copy of the disciplinary procedure;
- The date and time of the hearing;
- Details of the allegation(s);
- The fact that the employee will have the opportunity to state his/her case;
- The right to invite a trade union representative or work colleague to accompany them;
- Any previous warnings that could be taken into account when deciding the level of any disciplinary action; and
- The fact that, depending on its findings, the hearing could result in disciplinary action and (adding where appropriate) that this could include dismissal.

Disciplinary action can be taken at any level from a recorded warning to dismissal, depending on the nature of the misconduct.

Some of the offences which may be regarded as gross misconduct are (which is not an exhaustive list):

- Theft or unauthorised use or removal of the Academy's, Learn@ MAT's, a service user's, a client's or a fellow employee's property
- Falsification of time-sheets, expenses claims or other records
- Fighting or physical assault
- Harassment or discrimination on the grounds of race, gender or sexuality, disability
- Deliberate damage to Academy, Learn@ MAT's or a fellow employee's property
- Inability to carry out normal work through being under the influence of alcohol or other drugs (medically prescribed drugs may be an exception)
- Deliberate disregard for safety rules
- Serious negligence causing unacceptable loss, damage or injury
- A serious breach of the Academy's/Learn@ MAT code of conduct
- Misuse of an employee's official position for personal gain, or for the inappropriate benefit of a friend, colleague or member of the employee's family
- Failure to comply with a reasonable management instruction, despite being

warned of the consequences

- Safeguarding Concerns

6. Result of Hearing – Disciplinary Action

If, following an investigation and disciplinary hearing, it is concluded that disciplinary action is required, the following options are available:

Level 1: Recorded warning

If the conduct concerned is unacceptable but not serious in nature, a recorded warning will normally be appropriate.

Level 2: Written warning

If the offence is too serious for a recorded warning, or if there is further misconduct while a recorded warning remains in force, the disciplining officer/panel may determine to give the employee a written warning.

Level 3: Final written warning

If the misconduct is too serious for a written warning but not serious enough to warrant dismissal, or if there is further misconduct while a previous written warning remains in force, the disciplining officer/panel may determine to give the employee a final written warning.

Level 4: Dismissal, and dismissal with offer of re- engagement

If, following an investigation and disciplinary hearing, the disciplining officer/ panel is satisfied that the appropriate sanction is termination of employment, they can proceed to terminate the employee's employment.

An employee can be offered transfer to alternative employment in the Academy/Learn@ MAT (including relegation to a post with less responsibility on a lower grade) as an alternative to dismissal, either as a result of a disciplinary hearing or on appeal, if this is considered appropriate.

7. Time Limits for Warnings

Unless there are exceptional circumstances, disciplinary warnings will be disregarded for disciplinary purposes once the following periods of time have elapsed since the warning was given:

- recorded warnings - 6 months
- written warnings - 1 year
- final written warnings - normally 1 year or such other time as is considered appropriate - see paragraph below

Depending upon the nature of the misconduct, the disciplining officer/panel may impose a final written warning that will remain in force for a period of greater than one year. In this event, the employee must be told at the outset and in writing how long the warning will remain in force and the reason for the longer time period.

In exceptional circumstances (e.g. safeguarding concerns), the written warning may be extended for as long as the employee concerned is employed in his/her current job or a similar job. If an employee considers that the extended time period is unreasonable, he or she may appeal to the clerk to the Trustees who will convene an appeal hearing.

Where disciplinary action relates to safeguarding, breaches of financial regulations or issues which relate to racial, sexual, gender or disability discrimination, the relevant documentation should be retained on the employee's personal file until the employee's

normal pension age or for a period of 10 years, whichever is the longer, but will not form part of any subsequent disciplinary action if it is time-expired.

In all other disciplinary actions, the relevant documentation will be removed from the file and will be destroyed, with the exception of the letter to the employee which confirms the outcome of the disciplinary hearing. This letter will not, however, form part of any subsequent disciplinary action if it is time-expired.

8. Appeals

An employee who wants to appeal against a disciplinary decision should inform the Clerk to the Trustees within five working days of receiving the decision in writing. The employee must explain the grounds for the appeal, specifying whether it relates to:

- the facts of the matter;
- the level of sanction imposed; or
- the way the procedure was followed.

The purpose of an appeal is

- to review the decision taken by the disciplining officer/ panel; and
- to consider whether the procedure has been followed correctly.

An appeal is a review of the decision of the disciplining officer/disciplinary panel. It is not a re-hearing. The outcomes open to the appeal panel are to:

- uphold the appeal;
- reject the appeal in full;
- reject the appeal in part and impose a lower level of warning; or
- (exceptionally) reject the appeal and impose a higher level of warning up to and including a final written warning.

9. Responsibilities

The Academy Council for each Academy is responsible for operating and implementing this procedure and is able to issue disciplinary sanctions up to and including dismissal.

The Headteacher for each Academy is responsible for the day to day operation of this procedure and is able to issue disciplinary sanctions up to and including dismissal.

For the Executive/Central Team the Trustees are responsible for operating and implementing this procedure and are able to issue disciplinary sanctions up to and including dismissal.

The CEO is responsible for the day to day operation of this procedure and is able to issue disciplinary sanctions up to and including dismissal. The CEO must implement the specified standards of behaviour.

Any case of potential misconduct should be treated on its merits.

Employees who abuse this, or any other procedure, by making malicious or frivolous allegations may face disciplinary action.

All parties involved in a disciplinary matter should treat the information, which is the subject of the disciplinary investigation, in strict confidence.