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## 1. Introduction

- 1.1 Griffin Schools Trust (GST) expects all its employees to recognise their obligations to their school, the public, pupils and other employees and to conduct themselves properly at all times. Appendix 1 gives examples of misconduct and gross misconduct but these lists are not to be treated as exhaustive.
- 1.2 The procedure is designed to reflect the individual's right to natural justice, the rights identified in the Human Rights Act and the law as set out in Employment Acts and regulations.

## 2. Purpose

- 2.1 To achieve excellence in education for all and good employee relations this procedure aims to
- Improve conduct primarily by advice and correction rather than by disciplinary measures
  - Provide a fair method of dealing with alleged breaches in standards of conduct.

## 3. Scope

- 3.1 This procedure applies to all GST employees who either have a permanent contract of employment, or have more than six months' continuous service. It does not apply to employees subject to probation, who are subject to separate procedures.

## 4 Equal Opportunities

- 4.1 The Disciplinary procedure must always be applied fairly and in accordance with employment law and the school's Equality and Diversity Policy.

## 5. Responsibilities

- 5.1 GST is responsible for maintaining fair, consistent and objective procedures for matters relating to staff discipline.
- 5.2 The Head has overall responsibility for the internal organisation, control and management of the policy in school. Where the term Head is referred to throughout this policy, this relates to the appropriate GST Headquarters manager, for staff employed at GST Headquarters.
- 5.3 The members of the SLT (senior leadership team or designated senior manager) have responsibility for the internal organisation, control and management of the policy in their areas of responsibility.
- 5.4 Employees have responsibility to
- Conduct themselves appropriately
  - Obey the reasonable directions of the employer
  - Behave in a trustworthy manner at all times

- Take care over the work assigned to them
- Strive to maintain good employment relationships.

5.5 Employees are expected to observe all reasonable rules, policies and procedures which cover, amongst other things: absence; timekeeping; standard of dress; health and safety; use of the school's facilities and equipment; anti-discrimination; anti-bullying and harassment.

## 6. Timing

6.1 Disciplinary matters should normally be conducted within the timescales laid down in the procedure. However, if there is a valid reason to do so, timescales can be varied. If this is initiated by management, the employee should be given an explanation and informed when a response or meeting can be expected.

6.2 All efforts should be made by employees to attend meetings that constitute part of this procedure. When there are valid reasons to reschedule meetings then these should be rearranged within five working days.

## 7. Informal Action

7.1 Less serious breaches of conduct (i.e. first occurrences of some types of misconduct) can be dealt with informally by meeting and discussing the matter with the employee. This should involve drawing the employee's attention to the unsatisfactory conduct, explaining what conduct is required and setting a clear and reasonable timescale for the employee's conduct/behaviour to improve.

7.2 Consideration should be given to any difficulties which an employee may be facing and a genuine attempt should be made to help the employee to overcome them. Where considered appropriate, managers should seek a professional medical opinion and advice when managing staff who may be suffering from mental illness, alcohol or substance abuse.

## 8. Disciplinary Sanctions

8.1 The following formal stages of disciplinary action can be taken for breaches of conduct (see Appendix 1). Warnings are progressive from First to Final except for:

- Cases of gross misconduct (which if substantiated through the disciplinary process may result in summary dismissal with no entitlement to statutory notice)
- Cases which are less serious than gross misconduct but warrant a Final Warning being issued regardless of prior formal warnings.

<b>Disciplinary Action</b>	<b>Authority to issue</b>	<b>Duration of warning on personal file</b>
Oral warning	As delegated by the LGB	6 months

First written warning	As delegated by the LGB	9 months
Final written warning	As delegated by the LGB	18 - 24 months*
Dismissal	As delegated by the LGB	n/a

\* A final written warning will remain on the employee's file for a minimum of 18 months. Depending on the circumstances of the case the Disciplinary Panel may determine that the warning may remain on file for up to 24 months.

- 8.2 Further misconduct may occur during the term of a first written warning. Where this results in a formal hearing and a final written warning is issued, the duration of the final written warning will supersede that of the first written warning.
- 8.3 Upon expiry, all disciplinary warnings will be removed from an employee's personnel file except for warnings relating to the safety and welfare of children or young people.
- 8.4 An employee with a final written warning on file who is alleged to have committed a further occurrence of similar misconduct may be dismissed. Therefore letters to the employee should include the warning of dismissal.
- 8.5 Where a member of staff is dismissed, misconduct cases that relate to the safety of children and young people will be referred to the Independent Safeguarding Authority (ISA). This will be dealt with by the GST Chief Executive. All other cases of teacher misconduct resulting in dismissal will be referred to the Teaching Agency.

## 9. Disciplinary Investigations

### 9.1 The Investigating Officer

- 9.1.1 The Head or his/her nominee is responsible for appointing an Investigating Officer who must be competent to undertake the role.
- 9.1.2 Investigations should normally be carried out by the immediate line manager. If this is impractical or inappropriate, another Investigating Officer should be chosen. Alternatives to the line manager could include an employee of equal or more senior status within the school.
- 9.1.3 The process must be completed as quickly as possible, and should usually take no more than 10 days, ensuring that all parties have the opportunity to present their version of events.
- 9.1.4 The case must be thoroughly investigated, having a clearly written investigation report and supporting evidence.

### 9.2 Pre-Investigation Stage or Management Investigations

- 9.2.1 In certain cases it will be necessary to gather information regarding complaints, incidents and allegations before the start of a disciplinary investigation.
- 9.2.2 This type of information gathering is only appropriate for prima-facie serious allegations which are particularly sensitive or complex to determine whether there is any substance to the complaint and a full disciplinary investigation is appropriate and if the allegations warrant suspension of the employee.
- 9.2.3 This is not a formal stage of the procedure and would not be considered within the stipulated timescales of the procedure, but must be carried out as speedily as possible.
- 9.2.4 Any information uncovered at this stage would be provided to the Investigating Officer as appropriate.

### 9.3 Timescales for Investigations

- 9.3.1 All allegations and complaints against employees must be investigated without delay (particularly in cases of potential gross misconduct). The Head or his/her nominee should ensure the Investigating Officer has reasonable time off from normal duties to complete the investigation promptly.
- 9.3.2 As a guide, from the time the Investigating Officer begins their investigation, the investigation report should be completed within 15 working days for allegations of misconduct and other cases where the fact finding is relatively straightforward. For allegations of gross misconduct and more complex cases, the investigation process should take no longer than 20 working days. In very complex cases or exceptional circumstances, a reasonable timescale will be agreed by GST.
- 9.3.3 On completing the investigation, the Investigating Officer will recommend to the Head or his/her nominee whether a formal disciplinary hearing is necessary and give the reasons for the decision. (Working days refers to actual Academy days for term-time only staff.)

## 10. Employee Representation

- 10.1 Where allegations are made against an employee, they should be informed of the right to be represented at all meetings and related hearings by a recognised trade union representative or other school colleague.

## 11. Suspension

- 11.1 The LGB may delegate responsibility for formally suspending a member of staff either to the Finance/HR Committee or the Head. An employee may be suspended on full pay when an act of gross misconduct is either suspected or alleged to have been committed or for "other good and urgent cause", which is normally interpreted as when the employee is suspected of, or has been arrested for, doing something which would render him or her unsuitable to remain in the school. The period of suspension should be as brief as possible and should be kept under review.

- 11.2 Where suspension occurs, this should be confirmed in writing giving broad details of the allegation. In all cases the GST Chief Executive needs to be informed.
- 11.3 The suspension of a member of staff is a neutral act and should only be used to enable a matter to be investigated, or in the interests of protecting children and/or staff while a matter is investigated pending any further action that may be necessary. Suspensions are a precautionary measure and should not be regarded as prejudging the matter. If at any stage during or at the end of the investigation, or at any stage of the disciplinary procedure, it is considered that this suspension should be lifted by the Head or the Chair of the Finance/HR Committee the employee will be informed immediately.
- 11.4 Suspension from duty is a 'working arrangement' whereby the employee must not enter any school building and consideration will be given to restricting contact with any school employee without the express permission of the Head. Nor must a suspended employee contact pupils or their parents or anyone else with whom they would come into contact during the course of their duties. Failure to observe this requirement may render them liable to disciplinary action.
- 11.5 Where an employee is suspended and needs to contact witnesses to provide evidence at a hearing, then this may be achieved via their trade union representative or by a request to the Head.
- 11.6 Only the GST Chief Executive can suspend the Head.

## 12. Disciplinary Hearings

- 12.1 Where the results of the investigation recommends that there are reasonable grounds to suggest misconduct or gross misconduct, a Disciplinary Hearing should be arranged as soon as possible but normally within four working weeks of completion of the investigation. Reasons for any delay in convening a hearing must be clearly communicated to the employee.
- 12.2 The Investigating Officer's report and all relevant documentation should be sent to the employee and their representative with a letter specifying the date, time and place for the hearing giving no less than ten working days' notice. The letter must contain sufficient information about the alleged misconduct and its possible consequences. The letter should inform the employee of their right to be accompanied by a trade union representative or work colleague. If an employee's companion cannot attend on a proposed date, the employee can suggest another, so long as this is no more than five working days later. Otherwise the employee should choose another companion. Where every effort has been made to re-organise the hearing the employee should be informed that it may then proceed in their absence, with or without their representative being present.
- 12.3 The employee can request to reduce the 10 days' notice of a hearing if this is mutually acceptable.

## 13. The Disciplinary Panel

- 13.1 As delegated by the Local Governing Body the Chair hearing the Disciplinary Panel will write to the employee, giving details of the hearing, normally allowing 10 working days' notice.
- 13.2 A school HR representative will be present at any hearing where dismissal is a possibility.
- 13.3 For all meetings a note taker will attend to take minutes of the proceedings. It is their role to minute the significant points of the hearing and the decision of the panel but not to produce a verbatim record.

## 14. Conducting the Hearing

- 14.1 At the hearing, all parties present will be given an opportunity to ask questions or challenge the reports/evidence submitted by all witnesses.
- 14.2 The employee and their representative should be informed of the decision of the Disciplinary Hearing as soon as possible (unless there is an adjournment to clarify any facts) and the Chair of the Panel hearing the allegation will confirm this in writing within five working days. The letter must also confirm the individual's right of appeal and of the right to be represented by a work colleague or trade union representative at any appeal hearing.

## 15. Appeals Procedure

- 15.1 Employees have the right of appeal against any sanction. Appeals will be heard by an Appeal Panel. A quorum of the Appeals Panel will be three.
- 15.2 Appeals must be registered in writing with the Head within ten working days of the date of the letter confirming the disciplinary decision. Appeals received after this period will not be heard.
- 15.3 Employees/appellants may present any new evidence which was unavailable at the time of submission of the appeal documentation at least five working days prior to the Appeal Hearing so that management has an opportunity to respond.
- 15.4 Appeals against the fairness and reasonableness of any disciplinary action may be considered by the Appeals Panel in relation to one or more of the following grounds:
  - The PROCEDURE – the grounds of appeal should detail how any procedural irregularities prejudiced the disciplinary decision
  - The FACTS – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered

- The DECISION – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of disciplinary action taken or the act was one of misconduct rather than gross misconduct.

15.5 Appeal Hearings will be convened as soon as is reasonably practicable and the employee/appellant will be given no less than 10 working days' notice of the time and place of the Appeal Hearing.

15.6 The Appeal will concentrate on the area(s) of dispute only and will not be a re-run of the whole Disciplinary Hearing. Accordingly, it is important that the employee is explicit about the grounds for appeal and must provide clear and specific reasons in writing. Such written notice of the appeal must include reference to any new facts the employee/appellant intends to raise at the appeal.

15.7 The result of the appeal and the reasons for the decision will be conveyed to the appellant immediately after the hearing and will be confirmed in writing to the appellant and his/her representative within 5 working days by the Chair of the Appeal Panel.

## 16. Child Protection

16.1 If allegations are made against staff which involve child protection issues, the Child Protection Procedure must be followed irrespective of how the allegation arises. Employees may be suspended on full pay pending the outcome of the Child Protection procedure. If the relevant child protection agencies decide not to pursue action against the employee, the matter will be referred back to the school for consideration under the appropriate procedure.

16.2 If the Child Protection Procedure is involved, other disciplinary procedures will begin only if and when the matter has been referred back to the school. The fact that external agencies have not taken action should not be taken as an indication of the employee's innocence or guilt.

16.3 The school will operate within statutory guidance when handling cases of child protection.

## 17. Special Situations

17.1. Sometimes an employee may raise a grievance during the course of a disciplinary case. Where this happens and depending on the circumstances, it may be appropriate, to suspend the disciplinary procedure for a short period until the grievance can be considered. The employee will, however, have to raise the grievance in accordance with the Grievance Procedure. Depending on the nature of the grievance, the school may need to consider bringing in another manager to continue to hear the disciplinary case.

17.2. Any disciplinary action being contemplated in respect of staff representatives of recognised trade unions within this procedure should not be instigated without

notification in advance to the full-time official or nominee, of the appropriate Trade Union.

### 18. Record keeping

18.1 Managers and Panels must keep written records of meetings and discussions relating to the disciplinary process. Copies of all final meeting records must be given to employees. Written confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file.

### 19. Review

19.1 This policy will be reviewed every two years by the Griffin Schools Trust Board.

## Appendix 1: Examples of Misconduct and Gross Misconduct

### Gross Misconduct

The following are examples of gross misconduct but are not intended to be exhaustive:

- Prolonged unauthorised absence from work (at least 10 working days without contact)
- While purporting to be sick, engaging in activities which are likely to be inconsistent with the reason for absence or which are unlikely to be conducive to recovery
- Inappropriate conduct towards or contact with pupils
- Serious acts of insubordination
- Serious breaches of the GST Financial Regulations or school Code of Conduct
- Theft or misappropriation of, or failure to account for, or falsely claiming entitlement to, the property, assets or funds of the school or its employees
- Fighting or acts of violence at the work place, serious threatening or abusive behaviour towards, pupils, parents or fellow employees
- Criminal offences outside work which may affect employment suitability
- Unauthorised removal and use of school property
- Failure to report or record any serious matter which it is the employee's contractual duty (either expressed or implied) to report
- Falsification of documents likely to be of financial benefit to the employee or other persons e.g. time sheets, bonus/expense claims, qualifications etc
- Obtaining a job by lies or deception in the course of selection procedures
- Making false claims under any policies or procedures
- Discrimination/harassment against a pupil, employee or parent on the grounds of gender, trans-gender status, sexual orientation, religion or belief, trade union membership or activity, marital status, civil partnership status, age, race, colour, nationality, national origins, ethnic origin or disability
- Bullying
- Being incapable of performing duties as a result of the intake of alcohol or drugs
- Serious breaches of Health and Safety policies or practice
- Serious contravention of the policy on internet access
- Acts that would expose the school or GST to criticism or cause reputational damage
- Disorderly or indecent conduct whether at the school or otherwise
- An act committed outside the place of work where the act has an adverse bearing on the employee's suitability for the job or which would bring the school into disrepute.

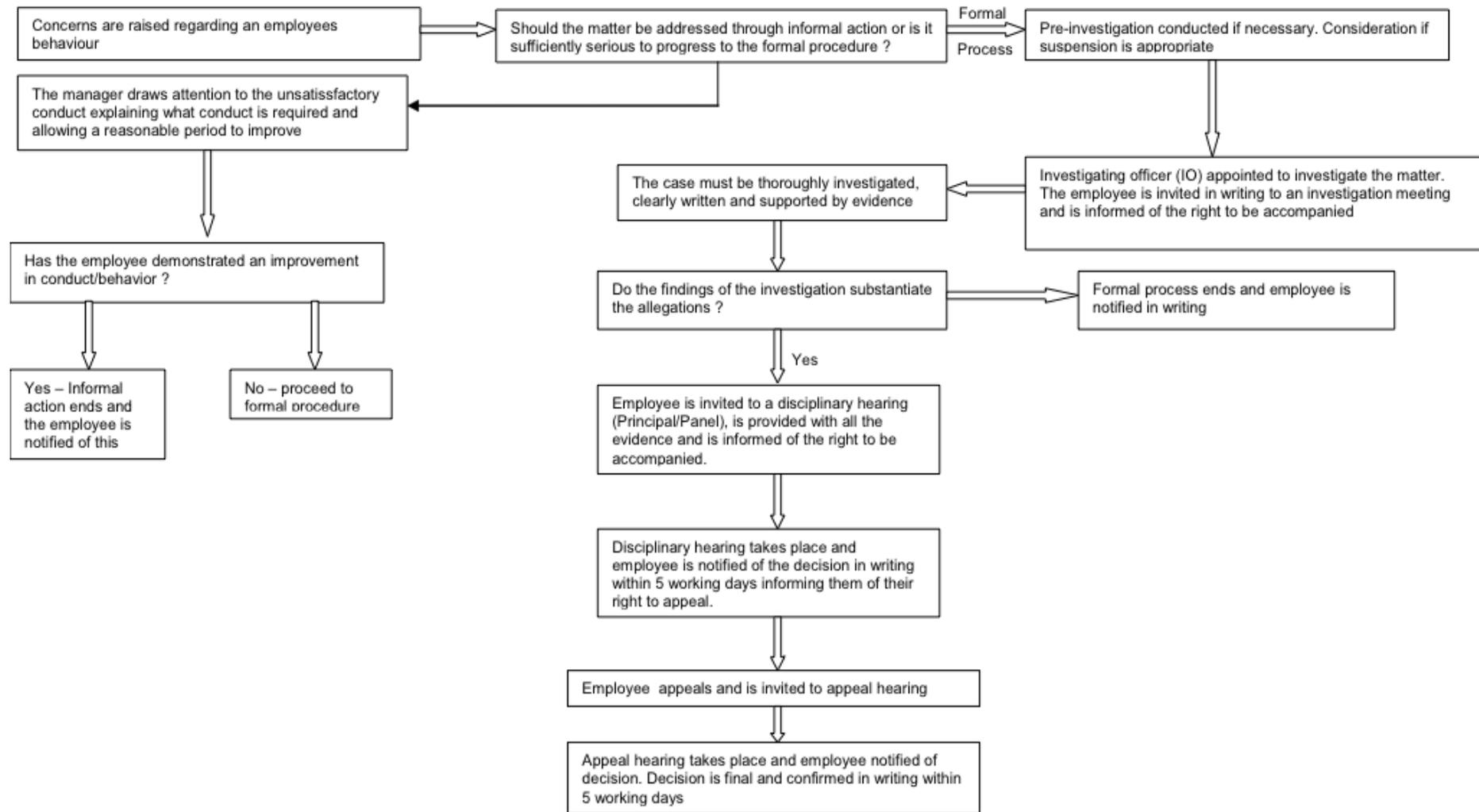
### Misconduct

The following are examples of misconduct but are not intended to be exhaustive:

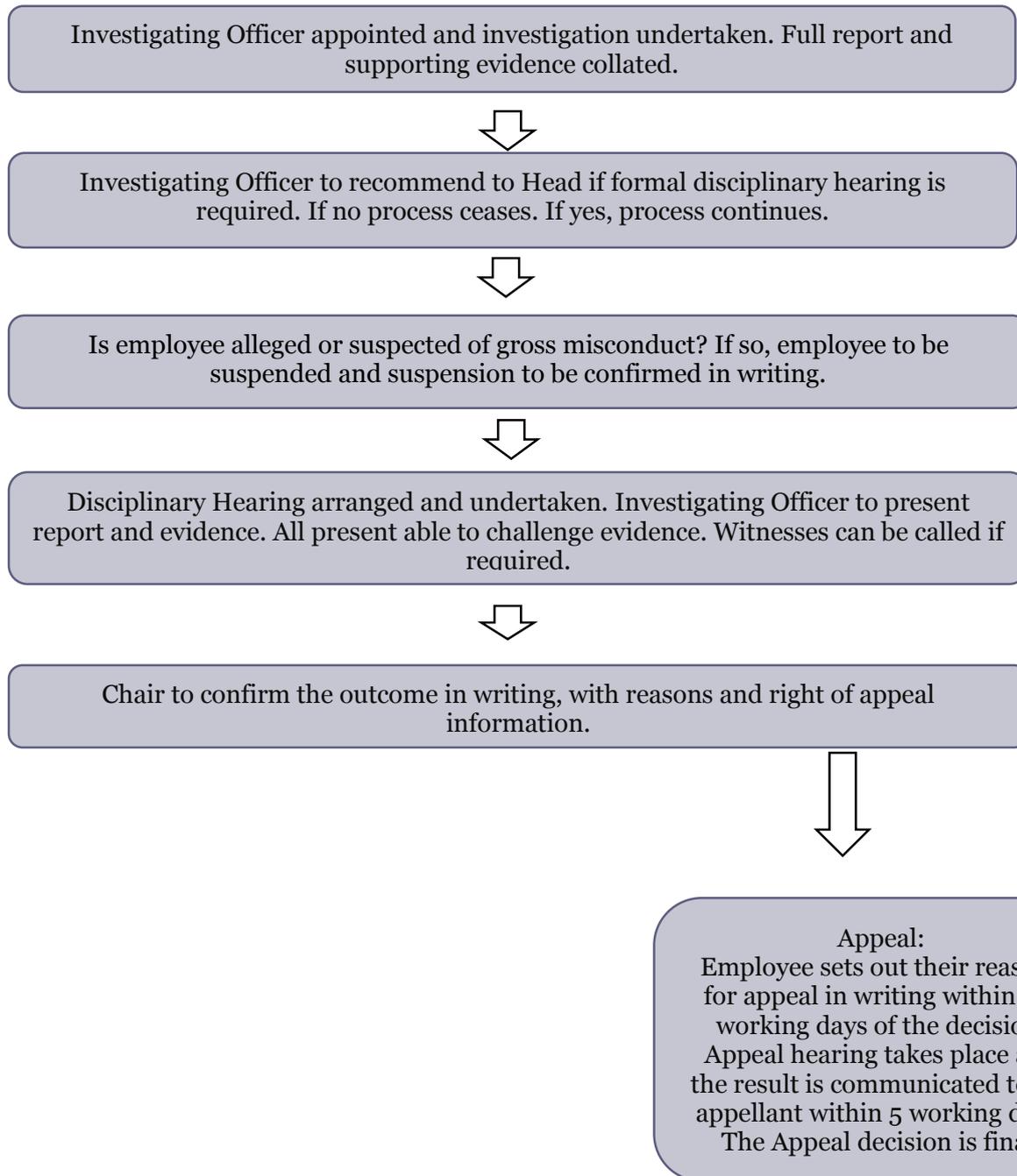
- Regular lateness for work
- Regular failure to follow employment rules e.g. reporting absence
- Refusal to obey a reasonable instruction of a manager
- Negligence at work leading to loss, damage or wastage of school or other property
- Improper, disorderly or unacceptable conduct at, in or near the school
- Wilfully inadequate work performance (poor performance or lack of capability will normally fall under the Capability Policy)
- Private trading or trading for your own benefit within working hours
- Consistently poor standards of dress or hygiene.

# Disciplinary Policy and Procedure

## Appendix 2: Summary of Disciplinary Process



## Appendix 3 : Disciplinary Procedure Process



## Appendix 4: Disciplinary Hearing Structure

