



GREENWOOD ACADEMIES TRUST

Disciplinary Procedure

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Overview

The Trust is committed to ensuring that all its employees are treated in a consistent, fair and sensitive manner. This approach requires the Trust to specify those aspects of misconduct that may warrant consideration under the terms of the Trust’s Disciplinary Procedure.

1. Purpose

This document is designed to support the Trust in fostering a consistent high performing culture through encouraging all employees to achieve and where appropriate, improve standards of conduct. Employees will be supported through guidance, information, advice, training or other suitable approaches to achieve acceptable standards of conduct, rather than by imposing disciplinary sanctions. By recognising that this procedure is first and foremost a corrective rather than a punitive process, it will enable the Trust and its employees to grow, learn and thrive.

The policy:

- is a transparent method of dealing with alleged breaches in standards of staff conduct
- clarifies the rights and responsibilities of management and employees under the relevant provisions

Any allegations of misconduct **involving abuse of trust or the physical or sexual abuse of a child by an employee** must be dealt with in line with statutory child safeguarding procedures.

The aim of this procedure is to ensure consistent and fair treatment for all in the organisation, recognising that the Trust has the power to consider employees' conduct and warn them with regard to their future conduct or after due consideration dismiss them.

This procedure will be applied consistently and fairly to all employees, based on the circumstances of their case. The Trust recognises its responsibility to ensure the implementation of the rules of natural justice and the procedure is written in line with the ACAS Code of Practice.

2. Scope

This procedure applies to all employees of the Trust.

Where the Chief Executive/Deputy Chief Executive are the subject of allegations, members of the Trust Board will make an initial evaluation of the circumstances and follow the procedure as outlined in this document.

This procedure does not apply where there are matters of:

Grievance which is dealt with under the GAT Grievance Procedure.

Competence or capability which is dealt with under the GAT Capability Policy, unless it is clear that the employee is capable of reaching the required standard and has actively not done so.

Ill health which is dealt with under Managing Attendance Policy unless there is good reason to believe that the absence or ill health are not genuine.

Employees on probation and temporary staff (due to length of contract) - it is not appropriate to extend all the provisions of this procedure to them, however, it is expected that in cases of misconduct (except gross misconduct) normally at least one written warning will have been issued before a contract is terminated and will take into account the length of contract/employment.

3. Roles and Responsibilities

People Directorate

The People Directorate will offer initial advice on the application of the procedure as well as initial advice and guidance on any alleged misconduct. People Directorate representatives will be available to participate in hearings or meetings with prior arrangement, based on the complexity of the case and in accordance with each stage of the procedure. The People Directorate may also need to discharge the Trusts' single employer responsibilities with external agencies to safeguard pupils and public confidence.

Investigating Officer

The person carrying out the investigation should be impartial and not have had any material involvement in the conduct or behaviour that gave rise to the allegation. The person carrying out the investigation will not Chair or be involved as a panel member of any subsequent hearing.

The Investigating Officer will be responsible for conducting the investigation to gather the appropriate facts and presenting these, together with any recommendations regarding adjustments to management processes or procedures.

At this stage they may also recommend to the person appointing them that there is no case to answer. The Investigating Officer will not be the person deciding whether or not to take formal action. This is the role of the Disciplinary Hearing Manager, who may at this stage feel the matter is better dealt with through more training, additional support, management advice or an oral warning through a management note. This is short of formal action and will not be referenced in any external reference enquiry.

The Investigating Officer is also responsible for presenting their findings at any subsequent hearing.

Disciplinary Hearing Manager

The Disciplinary Manager will be responsible for deciding on the outcome of the case and if required, what appropriate sanction should be issued, for example, whether or not to issue a formal warning, dismiss the employee or that there is no case to answer. In accordance with best practice, they will not have been previously involved in the case.

Appeal Panel

All appeals against dismissal or other disciplinary outcomes must be heard by a panel, who has had no previous involvement in the case.

4. Disciplinary Rules

It is not practical to list all the specific examples of conduct which may constitute misconduct. However, the list provided in Appendix 1, is not exclusive or exhaustive and serves as a guide only.

There may be other matters that have the potential to be considered as misconduct, for some other substantial reason. This occurs when the actions complained of are such that it is not feasible to tolerate the continued presence of an employee at the place of work whilst the matter is being investigated.

In the case where a disciplinary sanction is being considered against an employee who is a trade union representative, the normal disciplinary procedure will be followed. In accordance with the ACAS Code of Conduct, where there are any potential proceedings against a trade union representative, the People Directorate will discuss the case with an appropriate trade union official of the relevant union, before any action is taken.

Criminal Offences

An employee should not face disciplinary action solely because they have been charged with or convicted of a criminal offence. The criminal legal process operates quite independently and the Trust will not pre-judge the outcome of such investigations. The facts of the matter should be investigated and, if disciplinary action is considered appropriate, the procedures in this document should be followed. If it becomes known to the Trust that the police are involved in a case involving an employee, the People Directorate should be notified and additional advice requested.

5. Suspension of an Employee

Sufficient time and consideration must be given when making a decision to suspend an employee at any stage prior to, during or following the investigation. Key considerations should be documented clearly prior to a decision.

Key points:

- Suspension of an employee should not be the default position.
- Alternatives to suspension should be carefully considered and discussed with a People Adviser.
- The employee's version of events should be taken into account before a decision to suspend is made.
- If the employee is to be suspended, the rationale of the decision must be clearly explained to the employee verbally, and then followed up in writing as soon as possible; normally the next working day.
- The documented decision should be submitted to The People Directorate, referencing consideration of the points listed below as a rationale.
- Since suspension is not a disciplinary sanction, an employee has no right of appeal against the decision.
- Any suspension of an employee will be with full pay.

Examples of where suspension may be appropriate are as follows (not an exhaustive list):

1. Where a specific child(ren) are at risk
2. Where the welfare of others employed or working with the Trust is at risk
3. Where the employee themselves needs protection
4. Where the allegation, if proved, may amount to gross misconduct
5. Where the Trust's reputation may be damaged by keeping the employee at work
6. Where the presence of the employee may impede/interfere with the investigation

If suspension is under consideration, whenever practicable, the employee should be called to a meeting. This may be at short notice.

Where a decision to suspend has been made or is likely to be made, the employee should be strongly advised to seek the advice and assistance of their professional association, trade union or other appropriate person and given the opportunity and resources to do so.

It will be explained to the employee that the suspension in itself is not a sanction and does not indicate or presume the outcome of any subsequent hearing. The emotional impact and overall wellbeing of the employee should be considered throughout the entire period of suspension. Advice should always be sought from the People Directorate.

With advice and guidance from The People Directorate, only the Chair of the Trust Board (only in relation to cases regarding the CEO/DCEO), Chief Executive, Deputy Chief Executive, Education Director, Senior Education Advisor or a Principal/Head of School can suspend an employee.

The suspension should be regularly reviewed, and should be for no longer than considered necessary. The suspended employee will be kept updated by the Principal (or other relevant person within the Trust) regarding the status of their suspension.

If at any stage during or at the end of the investigation, or at any stage of the disciplinary procedure it is considered that a suspension should be lifted, the employee will be informed immediately and arrangements, including any necessary support, should be made for their return to work.

6. Initial Fact Finding

Any allegation of misconduct must be dealt with promptly without causing unreasonable delay. In some cases, it will be necessary to gather information regarding complaints, incidents and allegations before the start of a formal disciplinary investigation, or before deciding whether a disciplinary investigation should follow.

An appropriate person will gather necessary information prior to any decision being made as to the next steps. As part of this, it may be necessary to meet with the employee to obtain an initial response to the alleged misconduct and at this stage the employee has no legal right of representation, but may choose to be accompanied by a work colleague or Academy based trade union representative.

After the initial stage of gathering information, a decision needs to be taken to move to a formal investigation or instead consider training, change in processes, mediation, additional support, or other management advice.

7. Formal Investigation

In all cases care will be taken to ensure there is a thorough and balanced investigation, conducted in as timely a manner as possible, and that any conclusions/recommendations are properly documented and based on the facts available at the time.

The Investigating Officer will be responsible for writing to the employee, inviting them to a formal investigatory meeting, informing them of their right to be accompanied by their nominated supporter, for example their trade union representative. Any person who accompanies an employee at this meeting cannot answer questions directed at the employee and is there in a supportive capacity only and not to provide additional evidence.

The letter should also clearly confirm the nature of the allegations under investigation.

In all cases care will be taken to ensure there is a full and fair investigation, conducted in as timely a manner as possible, and that any conclusions/recommendations are properly

documented and evidence based. Care must be taken not to allow assumptions or stereotypical attitudes to prejudice decisions.

At the beginning of an investigatory meeting, the Investigating Officer should explain why they are there, and reaffirm the need for confidentiality to be maintained by all parties to aid a fair investigation to take place. The purpose and process of the interview should also be explained. When interviewing employees subject to this procedure, the Investigating Officer should state the nature of the complaint.

The main purpose of the interview is to hear the views of all parties and to listen carefully to what is being said. Facts should be checked and clarified. When interviewing witnesses, it is not necessary to state all the facts of the case, only those on which the witness has something relevant to say.

At the conclusion of each interview all parties, including any witnesses, should be told what will happen next and the likely timescales. They should also be told to maintain confidentiality and, therefore, not to discuss the complaint with other parties or work colleagues, other than those providing support as agreed.

At the end of the investigation, the Investigating Officer will advise the person who has appointed them of the information and evidence gathered and submit a report to them and the People Directorate. Care must be taken not to allow unconscious bias to prejudice decisions and conclusions.

8. Management of a Disciplinary Hearing

The person hearing the allegation(s) in Trust Academies will in most circumstances be the Principal, unless they have had specific involvement in which case it may be appropriate for another officer of the Trust. The Principal/Director will notify the employee in writing of the hearing, giving at least five (5) working days' notice and informing them of their right to be accompanied by a work colleague or a trade union representative if they are a member of a trade union.

The employee should be given details of the complaint/allegation and informed that either party can produce witnesses and/or written statements and relevant supporting documents at the hearing. An exchange of documents should take place at least five (5) working days before the hearing.

Failure by the Employee to Attend

An employee who cannot attend a meeting should inform The People Directorate in advance whenever possible. If the employee fails to attend through circumstances beyond their control, the People Directorate should rearrange the meeting, taking into account the reason. Any sickness absence must be supported by a medical certificate in line with process. If the sickness absence is likely to be lengthy, consideration needs to be given to alternative methods of participation by the employee and ultimately proceeding without their attendance to provide a conclusion and outcome.

If the employee's representative or colleague cannot attend on the proposed date, the employee can suggest another date that is reasonable and is not more than five (5) working days after the original date proposed, unless mutually agreed otherwise.

Where the employee has failed to attend rearranged meetings, the meeting will proceed in the employee's absence.

Notes

Notes of the meeting should be taken and copies of the notes circulated to all parties within ten (10) working days of the meeting. The note taker will need to be arranged in advance and advice is available at hearings from The People Directorate.

If amendments to the notes are requested by any individual who was present at the hearing, these changes must be made in a separate document, signed and appended to the original notes so that the original document remains unaltered.

Notes will be kept in accordance with data protection guidelines and child protection requirements.

Conducting the Disciplinary Hearing

- At the hearing the Investigating Officer will be responsible for presenting their report and evidence to the Disciplinary Hearing Manager in the presence of the employee and representative. Witnesses may be called individually by the Investigating Officer and the employee.
- The Investigating Officer and any witnesses called may be asked questions by the employee or his/her representative on the evidence presented.
- The witnesses may then be asked further questions by the Investigating Officer and the employee and/or their supporter/representative.
- The Disciplinary Hearing Manager may ask questions of the Investigating Officer and witnesses on the evidence submitted.

Note: After completion of the above stages the witnesses will be:

a) Instructed not to discuss the case in any way until after the hearing has been determined

b) Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall

- The employee or representative will state her/his case in the presence of the Investigating Officer. Witnesses may be called by the employee in support of her/his case.
- The employee and any witnesses called may then be asked questions by the Investigating Officer.
- The witnesses may then be asked further questions by the employee or representative on the evidence presented.
- The Disciplinary Hearing Manager may ask questions of the employee and her/his representative and any witnesses called.

Note: After completion of the above stages the witnesses will be:

- a) Instructed not to discuss the case in any way until after the hearing has been determined**
 - b) Asked to retire. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall**
- The Investigating Officer will then have the opportunity to sum up the case against the employee.
 - The employee or their representative will have the opportunity to sum up on her/his behalf and offer the Disciplinary Hearing Manager details of any mitigating circumstances they consider should be taken into account.
 - The employee, representative and Investigating Officer shall then withdraw. The Disciplinary Hearing Manager will then deliberate in private, only recalling the employee (and their representative) and the Investigating Officer to clarify points of uncertainty on evidence already given.

When considering the level of any potential sanction the Disciplinary Hearing Manager will take account of the following:

- the employee's previous disciplinary record
- the employee's general record, position and length of service
- the penalty imposed in similar cases in the past
- any mitigating circumstances which might make it appropriate to lessen the severity of the penalty

After deliberating, the Disciplinary Hearing Manager may choose to announce the decision to the employee, representative and Investigating Officer, and explain any right of appeal against the decision.

The Disciplinary Hearing Manager will formally write to the employee within five (5) working days confirming the decision and any right of appeal, and if appropriate, the letter will contain a statement that any further incidents may lead to dismissal.

The procedure outlined above will also be followed to hear any appeals against decisions to issue oral, formal and written warnings or to dismiss.

9. Outcomes of a Disciplinary Hearing

The formal disciplinary responses available to the Disciplinary Hearing Manager are:

- **Informal Responses available**

A decision to take no formal action and provide additional training, support or clarity on expected standards of behaviour. No record of this will be provided in any future reference, but a management note will remain on file should a similar incident re-occur and be used in any subsequent investigation.

- **First Written Warning**

In the cases of minor offences, the employee may be given a *first written warning* and advised that the warning constitutes the first formal stage of this procedure. A copy of

the first written warning and any evidence presented to the hearing will be kept on the employee's personal file for a period of six (6) months after which the warning will be considered spent and removed from their files.

- **Final Written Warning**

Following an earlier warning for misconduct or in response to more serious allegations, the employee may be issued with a *final written warning* which will contain a statement that any further incidents may lead to dismissal. Again, a copy of the final written warning and any evidence presented to the hearing will be kept on the employee's personal file for a period of twelve (12) months after which the warning will be considered spent and removed from their files.

- **Dismissal**

Details of the disciplinary sanction will be confirmed to the employee in writing within five (5) working days and retained in the employee's personal file in accordance with the principles of the Data Protection Act.

Where allegations of gross misconduct are upheld, the outcome will normally be summary dismissal without notice or payment in lieu of notice.

10. Appeals

An employee has a right to appeal against any decision. The employee will be advised of this right in the conveying of any such decision. This will also be confirmed in writing as part of the outcome letter.

The employee will be advised that they have ten (10) working days from the date of the hearing to submit an appeal. Appeals submitted outside of this timeframe will not normally be heard.

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

Employees must present any new evidence which was unavailable at the time of submission of the appeal documentation at least three (3) working days before the appeal hearing so that the original decision-maker/s may have an opportunity to respond.

Appeals will be convened as soon as is reasonably practicable and the employee will be given five working days' notice of the time and venue of the appeal hearing. Up to one request by the employee for a postponement of the appeal hearing date will not be unreasonably refused by the Trust.

Appeals against disciplinary action will normally only be considered on one or more of the following grounds:

- the **PROCEDURE** – the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision.

- the **FACTS** – the grounds of appeal should detail how the facts do not support the decision or were disregarded, misinterpreted or were considered not relevant. 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.

An appeal will be heard by the next tier Appeal Manager who has played no part in the disciplinary hearing itself.

The procedure for hearing an appeal will be the same as that for the disciplinary hearing itself.

There are no further rights of appeal against the decision other than to an Employment Tribunal.

11. Safeguarding and Teacher Misconduct Referrals (Teaching Agency)

The Trust is required to notify appropriate safeguarding authorities where disciplinary procedures have led to an employee being dismissed on the grounds of misconduct or where an employee has resigned in order to avoid such a dismissal.

The Trust is required to notify the Teacher Agency where disciplinary procedures have led to a teacher being dismissed on the grounds of conduct or where a teacher has resigned in order to avoid such a dismissal.

In circumstances where there is a child safeguarding allegation against a teacher which in any way is connected to the risk of harm, or actual harm to a child, a referral will be made to the Disclosure and Barring Service (DBS).

12. Key Legislative Framework

ACAS Code of Practice Disciplinary and Grievance Procedures

13. Maintaining this Policy

This policy and other associated policies and procedures are reviewed every two (2) years or sooner, if required, due to a change in legislation. Trust policies and procedures are approved by Trustees and are subject to Trade Union consultation.

Appendix 1

Disciplinary Rules - Examples of Misconduct and Gross Misconduct

Examples of Misconduct - which may warrant action under the appropriate stage of the Disciplinary procedure, repeated misconduct may also lead to summary dismissal:

- Persistent and unacceptable attendance record (including timekeeping)
- Regular unauthorised absence from work and failing to follow reporting requirements
- Neglect of work / Disorderly conduct (not attributable to lack of training)
- Incapacity at work due to intoxication or use of illegal drugs
- Failure to comply or disregard with Trust policies and procedures (including written instructions)
- Failure to ensure that reporting staff are instructed to comply with any legislation, regulations, Codes of Practice or Codes of Conduct relating to the employment, including Health and Safety
- Personal hygiene
- Unauthorised/inappropriate use of Trust facilities (including IT systems)
- Unauthorised distribution of written material
- Refusal to obey a reasonable instruction/Negligent performance
- Whistle-blowing for personal gain and/or acting frivolously/maliciously
- Abusive, Objectionable and/or insulting behaviour (including language)

Examples of Gross Misconduct – behaviour which due to the nature may fundamentally breaches the contractual relationship between the employee and the Trust:

- Unauthorised removal or possession of the Trust's property or fellow employees (theft)
- Misuse (including disclosure) of confidential information or the unauthorised issue of statements to the press or broadcasting authorities
- Unauthorised possession, copying, alteration, mutilation, destruction or retention of the Trust's records (including computer records) or documents
- Serious criminal offences which undermine the employee's ability to perform his/her job
- Conduct, whether inside or outside of working hours, which may adversely affect the Trust's business reputation of which reflects on your suitability for the type of work which you perform or your acceptability to other members of staff or customer or clients. This includes indecent or immoral behaviour and sexual offences/misconduct at work
- Bringing of illegal drugs onto the premises and/or being under the influence of alcohol and/or non-prescribed drugs whilst at work or on Trust business
- Offences of dishonesty (including accepting gifts from suppliers, payments or bribes; misappropriation of Trust monies and breaches of cash handling procedures)
- Failure to uphold the Dignity of Others irrespective of sex, race, religion etc
- Serious abuse of a pupil, colleague or member of the public
- Harassment/Bullying (including physical and verbal assault)
- Malicious attack; Physical assault; Fighting
- Gross negligence in the performance of duties or any material breach or non-observance of those duties, in particular, refusal or failure to comply with a reasonable request (including continued failure to attend a Disciplinary meeting)
- Causing significant damage to Trust property intentionally or through gross negligence
- Defrauding or attempting to defraud the Trust including the falsification/manipulation of records/information e.g.: timesheets, expenses claims (including fraudulently obtaining payments for work not done)
- Disregard for the safety of other employees, including serious breaches of health and safety requirements
- Failure to observe and comply with any legislation, regulations, Codes of Practice or Codes of Conduct relating to your employment

- Unlawful IT activities, including but not limited to unauthorised entry into computer records; lending or disclosing an access password; the transmission of illegal, defamatory, obscene, offensive or harassing messages; or any other significant failure to comply with the Trust's ICT Acceptable Use policy
- Possessing firearms or offensive weapons
- Undertaking work in conflict with the Trust
- False declaration of information at the time of engagement, or thereafter, which would have affected the decision to offer/continue employment
- Some other substantial reason
- Actions which bring the Trust into serious disrepute

It is not practical to list all the specific range of complaints or offences which may result in Disciplinary action and therefore, these lists are not exclusive or exhaustive and should not be taken as comprehensive lists, but as a guide only.

Appendix 2

Disciplinary Policy FAQ's

General

Why is it important to have a Disciplinary policy?

It provides a clear guide of the conduct expected at work. It is really important that as a Trust we maintain these expectations and ensure you have clear guidance. It also defines a very clear and fair process that is designed to protect both employee and employer should an allegation arise.

What is the role of the People Directorate in the disciplinary procedure?

The role of the People Directorate in the disciplinary process is to offer advice and guidance to the Disciplinary Hearing Manager and the Investigating Officer regarding the procedure. They are not decision makers in the process. They will participate in hearings or meetings as required to support the Deciding Officer or Panel. They may also be responsible for liaison with external agencies to safeguard pupils and public confidence.

How do I know if an allegation is being dealt with formally or informally?

Your line manager should inform you of that, if the matter is being dealt with under the disciplinary procedure – it is a formal process. However, that does not mean it will always result in formal action. The investigation will establish if there is a case to answer at a disciplinary hearing based on the evidence found. If it is decided that, based on the evidence, there is a case to be answered it will be taken forward to a hearing to decide on the outcome.

If this isn't taken to a disciplinary hearing as result of the investigation, it could be that a management advice letter is given to you. If this is the route taken, this isn't deemed as formal action. The letter may offer advice regarding how you can improve going forward if necessary. Alternative outcomes could be training, change in processes, mediation or other management advice. However, if there was an event of similar behaviour in the future this can be taken into consideration at a later date in both informal and formal processes.

Why do I have to go through this process?

The process is designed to support all parties. This will ensure a fair and clear process is followed when an allegation of any description occurs.

I made a mistake because of my personal circumstances at the moment, will that be taken into consideration?

Ensure you put that forward at the investigation stage – it will be considered as 'mitigating evidence'.

I find the process really stressful, can't we find an alternative it feels so lengthy?

As an employer we appreciate that a process such as this can be difficult. The role of the Investigating Officer is to ensure this is carried out as fairly, consistently and efficiently as possible to relieve the pressure on all parties. It is important for this reason that we continue with this process. There are various options of support available and we actively encourage you to utilise these during this time. Support available is as follows:

- The Trust's employee assistance programme (provided by Education Support Partnership)

- Mental health first aiders or champions
- Your trade union or professional association if you are a member of one

I am off sick from work. Will the process continue?

If you are absent due to a short-term illness, any part of the investigation that does not require your attendance/input would continue where possible. However, in the case that you are unfit for meetings (i.e. Investigation meeting or Disciplinary hearing), please see following question below.

If you are on long-term sickness absence the Investigating Officer will take steps to determine whether or not you are fit to attend an investigation meeting or disciplinary hearing, even if you are not fit for work. If necessary, they may obtain medical evidence focused on your ability to take part in a disciplinary hearing, and what, if any, reasonable adjustments could be made to facilitate your attendance.

If you are deemed as unfit to attend meetings, the investigating officer may consider putting the disciplinary process on hold until you are fit to attend. However, they must balance the need to avoid unreasonable delay in the process with the importance of allowing you to put forward your case before they make a decision.

I can't attend the Investigation/ Disciplinary Hearing– what do I do?

Please inform the person inviting you as soon as possible and please seek to obtain a medical certificate if you are unwell. If you fail to attend through circumstances beyond your control, the meeting should be rearranged, taking into account the reason. Sickness absence must be supported by a medical certificate. You can suggest another date that is reasonable and is not more than five working days after the original date proposed, unless mutually agreed otherwise.

Where you have failed to attend rearranged meetings, the meeting may proceed in your absence. You will be informed of this.

Can I bring someone with me to the meetings in the process?

You will be notified of your right to be accompanied; for example, you may be accompanied by a trade union representative or a colleague during an investigation meeting and a disciplinary hearing. Any person who accompanies an employee at a meeting cannot answer questions on the employee's behalf and is there in a support capacity only.

Safeguarding

I have been told the case has been passed to the LADO – what are the next steps?

Any allegations of misconduct involving abuse of trust or the physical or sexual abuse of a child by an employee must be dealt with in line with child protection procedures which are set out in a separate policy.

Investigation

What is an Investigating Officer?

The person carrying out the investigation. They will be impartial and not have had any material involvement in the conduct or behaviour that is alleged to have occurred. They won't be the person deciding on the next steps, they will help to ascertain if there is a case to be answered at a disciplinary hearing or not.

What is an Investigation?

A fact finding exercise where an Investigating Officer gathers the appropriate facts around a reported allegation or behaviour of an employee. They are then presented together with any recommendations to management processes or procedures. This process will also establish whether there is a case to be answered.

I have been told I am invited to an Investigation meeting should I be given the details of what this is about?

The letter should contain the nature of the allegations/investigation.

What happens at an investigation meeting?

The Investigating Officer will introduce themselves, explain why they are there and reaffirm the need for confidentiality to be maintained by all parties to aid a fair investigation to take place. The purpose and process of the interview will also be explained. You will then be notified again of the allegation/complaint and be asked some questions surrounding this in order for them to establish the facts.

How long will the investigation process take?

The process should be dealt with as efficiently as possible. After each interview all parties, including any witnesses, should be told what will happen next and the likely timescales.

I have been asked not to discuss this with anyone, can I discuss it with my family?

You will be told to maintain confidentiality and, therefore, not to discuss the issue with other parties or work colleagues. It is important that you are supported; you will be given the details of our employee assistance programme so you can contact them at any point for support.

When can I put forward my version of events?

The investigation meeting is your opportunity to put forward what happened.

Can I let them know who witnessed the event in question?

Yes, please do - it is very important to do this as part of the investigation.

Can I carry out my own investigation?

You will be asked at your interview to discuss any witnesses present at the incident/event in question; the Investigating Officer will then interview them. If this then goes forward to a disciplinary hearing please see a later question regarding witnesses at hearings. You may also choose to provide or submit your own statement.

I am concerned the witnesses will discuss the matter with other colleagues

They have been notified of the need for them to comply with maintaining confidentiality.

Can we see the witness statements?

On the conclusion of the investigation a decision will be made as follows – no action, informal action or move to a formal disciplinary hearing. If this goes forward to disciplinary hearing you will be supplied with all the copies of the original statements and evidence gathered to allow you to put forward your case at the hearing. It's really important we hear both sides.

Suspension

I have been told I am suspended from work, what does this mean?

It may be necessary for suspension to take place during or before an investigation takes place. The reasons why will be outlined in your letter following your suspension. To be suspended means that you are not required to carry out any of your duties and you should not enter the school premises unless expressly authorised to do so. Suspension itself is not a Disciplinary sanction and does not indicate nor presume the outcome of any Disciplinary hearing.

How long will I be suspended for?

It does depend on the nature of the case and how long the investigation may take. Your suspension will be reviewed regularly if it is found that there is no longer any need for suspension to continue this measure will be lifted.

Will I be paid?

Yes, full pay.

Will I know what is happening?

A designated contact from the Academy will maintain contact with you and provide updates to yourself or your representative.

I am worried what other people such as students and parents will be told whilst I am on suspension?

They will not be told you are suspended – this information will remain confidential and there is an expectation that you will do the same.

Does an employee suspended from work accrue annual leave?

Yes, they continue to accrue annual leave.

Will I be expected to work?

No however, whenever practicable, you can be called to a meeting/s as part of the investigation.

Hearing

What happens at a disciplinary hearing?

Please refer to 'conducting the disciplinary hearing' section of the disciplinary procedure. This is your opportunity to put forward your case, call witnesses and ask questions of the Investigating Officer and the witnesses if possible. The Disciplinary Hearing Manager will then make a decision on the information provided by all parties.

Who will be at the hearing?

The Disciplinary Hearing Manager - in most circumstances this will be the Principal, unless they have had specific involvement in which case it maybe another appropriate Officer of the Trust. Someone from the People Directorate to offer advice, yourself and your chosen representative and any relevant witnesses if necessary.

What can the outcome be?

No action, Informal recommendations, First written warning, Final written warning or Dismissal.

Will I know what the outcome is at the hearing?

It depends on the complexity of the case, where possible the Disciplinary Hearing Manager will deliver the outcome after deliberation of the case. However, sometimes they may need more time to consider their decision. The Disciplinary Hearing Manager will formally write to the employee within five (5) working days confirming the decision and any right of appeal, and if appropriate, the letter will contain a statement that any further incidents may lead to dismissal.

The invite letter says this could result in dismissal - will I lose my job?

If the allegations are deemed as gross misconduct this will be included in your invite to disciplinary letter. The outcome is dependent on the evidence put forward and in the balance of probabilities for it to be found true. Any potential sanctions will consider the following:

- the employee's previous Disciplinary record
- the employee's general record, position and length of service
- the penalty imposed in similar cases in the past
- any mitigating circumstances which might make it appropriate to lessen the severity of the penalty

Can we invite witnesses to the hearing?

Yes, please notify the Disciplinary Hearing Manager five (5) days before the hearing who you are requesting.

Will the witnesses be informed of the outcome if they are at the hearing?

No they will be asked to retire before a decision is delivered at a hearing and will not be informed after.

What can I do if I don't agree with the outcome?

You can appeal the decision. In order to do so you need to put your appeal in writing to the person named in your disciplinary outcome letter. You must do so within ten (10) days from the date of the hearing. Appeals submitted outside of this timeframe will not normally be heard.

I have been dismissed; will my future employer be told?

Please refer to section 11 of the Disciplinary Procedure - Safeguarding and Teacher Misconduct Referrals.

Appeal

What should my appeal include?

It is important that you are explicit about the grounds for appeal and you must provide clear and specific reasons. The written appeal must include reference to any new facts you intend to raise at the appeal.

What happens at the appeal hearing/meeting?

The same format will apply as the disciplinary hearing. However, in this case the appeal will concentrate on the area(s) of dispute only and will not be a re-hearing of the whole disciplinary case. Please refer to the disciplinary procedure for further details regarding what will be taken into consideration in an appeal. You will be given five (5) working days' notice of the time and venue of the appeal hearing. An appeal will be heard by the appeals panel who has played no part in the Disciplinary hearing itself.

What can I do if I don't agree with the appeal decision?

This is the final part of our process and this will be the final decision made. There are no further rights of appeal against the decision other than to an Employment Tribunal.