

The TRUE Learning Partnership

DISCIPLINARY POLICY FOR ALL STAFF

1.0 Scope

1.1 The policy will apply in all cases of alleged misconduct and gross misconduct. It will not apply to:

- issues related to alleged capability, except where it is considered to be a wilful refusal by the employee to carry out their duties; and,
- support staff within their probation period.

2.0 Aims

2.1 To provide a framework which enables managers/head teachers to deal with breaches of discipline.

2.2 To ensure that all employees are aware of the standards required of them and the procedures which may be applied where there are concerns.

3.0 Principles

3.1 It is important to deal with disciplinary matters promptly, in a firm, fair and consistent manner, ensuring objectivity is applied at all times. The dignity of all parties involved will be maintained throughout this procedure.

3.2 Where possible, managers/head teachers will try and resolve issues of minor misconduct at the earliest opportunity and with the least possible formality. Where problems are not resolved using an informal approach or if circumstances are considered sufficiently serious to warrant formal investigation, formal disciplinary action will be considered.

3.3 It is not possible to define all acts of misconduct or unacceptable behaviour that could lead to disciplinary action however examples of misconduct and gross misconduct are given in the disciplinary procedure and managers/head teachers will ensure that all employees are informed of these examples at induction.

3.4 In disciplinary matters managers/head teachers, employees and Trade Union Representatives will adhere to the following principles:

- Issues will be raised and dealt with in accordance with the agreed timescales. Meetings and decisions will not be unreasonably delayed by any party.
- All parties will behave consistently, appropriately and professionally.
- Investigations will be carried out to establish the facts of each case and consideration will be given to the reasonableness of any proposed action according to the circumstances.
- The employee will be advised of the nature of the complaint against him/her and given the opportunity to state his/her case and present relevant evidence at a disciplinary hearing before any decision is made.

- Managers/head teachers will allow an employee to be accompanied by a work colleague or by their trade union representative at any formal disciplinary meeting.
- Consideration may be given to allow an employee to be accompanied by a legal representative but only in exceptional circumstances where, as a result of disciplinary action the employee is at risk of being barred from working in their profession. The decision on such representation will be at the hearing managers' discretion.
- All employees will have the right of appeal against any formal decision made.
- Where an employee is persistently unable or unwilling to attend a disciplinary hearing without good cause, employers may make a decision on the basis of the available evidence.
- Employees will not be dismissed for a first incident of misconduct except in the case of gross misconduct.
- Proceedings, witness statements, records and warnings will be kept confidential and will be retained and disposed of in accordance with the Data Protection Act 1998.
- Where disciplinary action is being considered against an accredited official of a recognised trade union, the case will be discussed, after obtaining the employee's agreement, with a senior trade union representative or paid union official.
- The school/academy will respect employees' rights to privacy in their private and family life and will take action in this context only where the right conflicts with their obligations as an employee of the school e.g. use of professional position for personal advantage or where the actions bring the school into disrepute.

3.5 At each stage of this procedure all those involved should bear in mind the need to satisfy the tests of natural justice, equity and reasonableness.

4.0 Malicious allegations

4.1 If an individual makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them.

5.0 Anonymous allegations

5.1 The school/academy does not encourage the making of anonymous allegations and will only consider these in exceptional circumstances. Any decision to consider anonymous allegations will be at the absolute discretion of the school/academy. In exercising this discretion the following factors will be considered:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of being able to confirm the allegation.

5.2 This does not affect the ability to make an anonymous disclosure under the Confidential Reporting Procedure (Whistleblowing).

6.0 Confidentiality

- 6.1 All parties will have a responsibility to deal with disciplinary issues in a sensitive and confidential manner.
- 6.2 Information shared as part of a disciplinary process is confidential and must not be used or published for any other purpose. Failure by any parties involved in the investigation or disciplinary process to observe this requirement could lead to further disciplinary action.

7.0 Equality and diversity

- 7.1 The Board of Trustees will ensure that, when implementing this Policy, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

8.0 Monitoring

- 8.1 Data relating to disciplinary cases will be collated and monitored regularly to ensure that the procedure is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

9.0 Review

- 9.1 The policy will be reviewed in the light of operating experience and/or changes in legislation and in consultation with the Trade Unions.

Prepared by: CEO and Education HR Consultancy
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Partnership