

Treat everyone you meet with dignity. Love your spiritual family. Revere God. This is the kind of life you've been invited into, the kind of life Christ lived.

1 Peter 2: Verse 17 - 23



STAFF DISCIPLINARY PROCEDURES

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Our Academy Vision is "Living Well Together with Dignity, Faith and Hope". We aspire to take dignified decisions and afford dignity to all members of our community, regardless of background or circumstance. Our position as a Voluntary Aided Church Academy means that the Christian faith has a central role in all of our actions and decisions. We strive for excellence in all that we do, enabling our students to transform their lives and to hope for happy and successful futures.

At All Saints Academy, our vision is "Living Well Together with Dignity, Faith and Hope and this translates into our everyday practice. Our Academy aims to treat all staff fairly and with respect. We aim to be role models for all of our young people so that they can transform their lives and widen their opportunities. At times it is necessarily right to challenge staff if the absolute level of professionalism is not upheld and our students may be affected. In this way we embed the vision of 'Living Well Together with Dignity, Faith and Hope', and all stakeholders need to have faith that the Academy will act in the best interests of all when examining the conduct of staff.

Introduction

In All Saints Academy there exists a high level of commitment to the young people in our community. The Academy is committed to the achievement of the highest levels of conduct and competence, and will seek to co-operate in the realisation of this ideal. However, it is accepted by the Academy and the staff as represented by their trade unions that capability and disciplinary procedures are necessary to assist in maintaining standards of performance and conduct and for promoting fairness and order in the treatment of individuals considered to be falling below acceptable standards.

The following procedures have therefore been drawn up to provide a framework within which all capability and disciplinary matters can be dealt with fairly and without delay. They have also been designed to ensure that leadership, the trade unions and the individual members of staff are aware of their rights and obligations. The procedures take full account of the recommendations of ACAS Codes of Practice, the statutory guidance issued by the DfE in May 2020, and the Academy Staffing (England) Regulations 2003 as well as the various national negotiating bodies. They also reflect good practice and the rules of natural justice.

It must be emphasised that these procedures are designed to encourage an improvement in an individual's performance or conduct where this is necessary and are not merely a method of applying disciplinary sanctions. In this respect it is accepted by all parties that line managers play an important role in the day-to-day counselling and supervision of their staff and they should seek initially to rectify problems through informal discussions or oral warnings without invoking the formal procedures. Note that oral cautions and warnings are not part of the formal procedures, nor are any written communications issued outside of formal hearings and appeals.

Where the matter cannot be resolved through the normal supervisory relationship or where the alleged action or omission is considered to be of a more serious nature, the appropriate formal procedure should be followed. However, this should not come as a surprise to the member of staff who should be informed of the potential consequences of their acts or omissions at all stages.

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Aims

This document represents The All Saints Academy Dunstable code of conduct. It was adopted by the Governing Body of the Academy and the Governing Body shall be bound by this agreement.

These procedures apply to all staff in the Academy except outside contractors' staff employed on Academy premises.

The Chair of the Governing Body will seek personnel advice on suspension and on the appointment of suitable persons to undertake those functions under this procedure which would otherwise be performed by the Executive Principal or Academy staff.

Process

Capability encompasses skill, aptitude, health or any other physical or mental quality and is usually distinguishable from conduct or misconduct. For example, a member of staff may not have the innate ability or the standard of health required to reach the required standards for the job; in which case, the capability procedure is the appropriate procedure to use. This is to be distinguished from cases where the member of staff is able to reach those standards but, for some reason, has lost the intent or will to do it. In such cases the disciplinary procedure should be invoked.

The Disciplinary Procedure should also be invoked where it is alleged that the member of staff has:

- failed to adhere to rules and procedures,
- failed to respond adequately to one or more informal warnings regarding conduct,
- acted (or omitted to act) in a manner which is considered to warrant formal disciplinary action; or,
- committed an act of discrimination or harassment contrary to any Academy or Academy policy or guideline

Where leadership has good reason to believe that the underlying cause of a complaint against an employee is ill-health or disability, that aspect of the case should be dealt with under the Sickness and Disability Procedures.

There will be situations where it is not immediately obvious which procedure should be used; either because the situation is unclear or because the case involves some mixture of capability, disciplinary, health or disability. In such situations, the case should be initiated using whichever procedure seems appropriate but, when coming to a conclusion, the Executive Principal should make separate mention of each of the relevant issues.

The Investigation

Where conduct which might warrant disciplinary action is alleged, the matter will be investigated immediately by the Executive Principal, who may wish to designate a senior member of staff to carry out this task on their behalf and must so delegate where the Executive Principal intends to take the initial decision to dismiss or determine the outcome of the disciplinary procedure. The employee will be informed of the situation and the procedure to be followed and will be provided with a copy of this procedure. At this stage the employee must be advised of the right to be accompanied by a trade union representative or work colleague.

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The wording of the allegation is important. It must be clear to both the investigator and the employee exactly what is to be investigated.

Where an employee is unable to attend an investigatory meeting (or formal hearing) under the procedure due to bail restrictions, or custodial sentence or can offer no good reasons for nonattendance, then the Governors and their representative should meet to discuss how the matter can be progressed.

The designated member of staff conducting the investigation will explore thoroughly the facts of the matter, including interviewing witnesses where appropriate and obtaining the employee's version of events. This would normally be by interview. The employee must be informed orally that an investigation is to be carried out under the disciplinary procedure and that this will be kept confidential. The employee must be made aware of the nature and available details of the allegation(s). The employee will be advised that any information gained when questioning can be presented at any subsequent disciplinary hearing.

The designated member of staff conducting the investigation may call upon witnesses to supply information in the form of a written statement which will assist in the investigation. Where other employees are to be questioned, it will be explained that they may be asked to attend a disciplinary hearing and act as a witness. Written statements may be obtained from juveniles but, in such instances, the investigator should give consideration to informing the parents/carers and giving them the opportunity to be present. This will be dependent on the nature of the allegations against the employee. Statements should be signed by the witness as a true record.

The investigatory interview with the employee against whom allegations have been made may take place over more than a single session and the result will be in written form. A written record of this interview will be made by the investigating officer conducting the investigation and will be signed as a true record by the employee if there is agreement that this represents a true record of the interview. If there are points of disagreement these will be noted in writing and kept with the record of the investigation.

After the investigation the investigating officer will consider if there is a case to answer. If there is no evidence to substantiate the need for further proceedings, the employee will be informed in writing of this and, if under suspension, will return to work. No reference to the matter in question will be kept on the employee's personal file.

If the investigating officer believes the matter can be resolved by means of counselling they should recommend that the Executive Principal or appropriate governors conduct a counselling interview with the employee and a note of counselling agreed by the employee should be kept for reference purposes on the personal file, with a copy to the employee, for a specified period of time, after which it will be destroyed. Counselling does not constitute disciplinary action and this should clearly be stated on the written document.

If the investigating officer believes that there is a case to answer which may require more than counselling, they will arrange a formal hearing with the Executive Principal.

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Notifying the decision of a hearing

Any action decided at the capability or disciplinary hearing will continue unless and until an Appeal Committee decides otherwise but this will in no way affect the member of staff's legal rights.

Except in the case of a decision to dismiss, where the member of staff appeals and is notified of new charges before the appeal is heard, the decision of the first hearing will be rescinded, the appeal will be aborted and a new first hearing will be arranged.

Procedure to be followed at the Disciplinary Hearing

Presentation of the case against the employee

- a) The investigator makes an opening address outlining the case
- b) The investigator calls witnesses, if any, so that taking each one in turn:
 - a. He/she questions each witness;
 - b. The member of staff or his/her representative has the opportunity to put questions to each witness;
 - c. The investigator may clarify any issues by further questions to the witness
 - d. The Executive Principal or members of the governing body as appropriate have the opportunity to question each witness
 - e. Each witness withdraws after giving evidence
 - f. The member of staff or his/her representative has the opportunity to put questions to the investigating officer
 - g. The Executive Principal *or* members of the governing body as appropriate have the opportunity to question the investigating officer

Presentation of the employee's case

- a) The member of staff or his/her representative makes an opening address outlining his/her case;
- b) The member of staff or his/her representative calls his/her witnesses, if any, so that taking each on in turn:
 - a. He/she questions each witness;
 - b. The investigator has the opportunity to put questions to each witness;
 - c. The member of staff or his/her representative has the opportunity to clarify any issues by further questions to the witness
 - d. The Executive Principal or members of the governing body as appropriate have the opportunity to question each witness
 - e. Each witness withdraws after giving evidence
 - f. The investigator has the opportunity to put questions to the employee
 - g. The Executive Principal *or* members of the governing body as appropriate have the opportunity to question the employee

The investigator and the member of staff or his/her representative have the opportunity to sum up their case if they so wish, the member of staff to have the last word. Both parties then withdraw.

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The Executive Principal or members of the governing body deliberate in private, only recalling the parties to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return even if only one is concerned with the point giving rise to doubt.

Sanctions

Not all hearings will result in a sanction being taken, but the sanctions which can be imposed under this procedure are:

- a caution (or warning),
- a final caution (or final warning),
- demotion,
- demotion and transfer within the Academy,
- demotion and transfer within the Academy and a caution (or warning) which may be final; or,
- dismissal.

Life of cautions and warnings

The normal life of a formal warning is one year. The normal life of a final warning is two years. Time starts to run from the date of issue of the caution or warning. However, any prolonged period(s) of absence for reasons other than normal Leave will extend the end date of the caution or warning by a like amount. Any such extension will be confirmed in writing.

Formal cautions issued under the capability procedure will be disregarded for capability purposes two terms after satisfactory performance is reached. Final cautions issued under the capability procedure will be disregarded for capability purposes six terms after satisfactory performance is reached

A caution or warning shall be disregarded for the purposes of the procedure after its end date unless a further capability or disciplinary issue originates before that date. If such a situation arises, the caution or warning will continue to be "live" until the conclusion of any capability or disciplinary hearing that might ensue.

Suspension from Duty

Where an investigation might be impeded by their presence at work, the Executive Principal in consultation with the Chair of the Governing Body may suspend a member of staff. Where gross misconduct is alleged, the Executive Principal in consultation with the Chair of the Governing Body must suspend the member of staff. Suspension in these circumstances is not a form of disciplinary action and normal remuneration, as defined in national conditions of service, is paid.

The suspension of a member of staff will be for as short a period as possible and will be kept under review. It will usually last until an investigation has been concluded or any resulting disciplinary hearing has been held. The employee will be informed immediately in person unless exceptional circumstances do not permit this and it must be confirmed in writing by the Executive Principal within three working days of the decision being taken.. Where it is proposed to lift the suspension the Chair of the Governing Body should be consulted and the consultation should be confirmed in writing.

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Employees who fall sick during periods of suspension will be advised by the Executive Principal that they are required to follow the normal sickness absence procedures and may be referred to Occupational Health.

In cases dealt with under the capability procedure, where a member of staff has not convinced management of satisfactory performance it will be usual to suspend the member of staff concerned no later than week 24 of the procedure.

Professional association and trade union officials

Professional association and trade union representatives are expected to exhibit the same standards of capability and conduct as all other members of staff. However, no formal action shall be taken against an accredited professional association or trade union representative until the circumstances of the case have been discussed with a senior representative or full-time official of the organisation concerned.

Where gross misconduct is alleged of a professional association or trade union representative, the member of staff may be suspended without loss of remuneration after consultation with the Chair of the Governing Body. A senior representative or full-time official of the organisation concerned shall be informed of this action as soon as possible and written confirmation shall be sent to the professional association or trade union within three working days.

Involvement of governors in individual cases

Governors will rightly be concerned about capability and disciplinary issues relating to staff from time to time and may be eager to see progress in relation to such issues. In such circumstances, they should ensure that they do not become directly involved unless and until the matter is brought formally to their attention at an appropriate stage in the capability or disciplinary procedure. This does not prevent the Executive Principal consulting with the Chair of the Governing Body informally on a particular case but the chair should thereafter take no formal part in the procedure. Governors should be aware that this approach is necessary because cases of capability and discipline have to be handled with care. Attempts to influence, abridge or circumvent these procedures may well make it necessary to exclude the governor concerned from any further involvement in the case so as to preserve natural justice.

Where the Executive Principal is the Hearing Body they may involve Governors in the process, for example in hearing representations at a hearing, however, the final decision should be the Executive Principal's. Any Governors involved at this stage should not be used to hear an appeal.

PART II CAPABILITY PROCEDURE

Introduction

This procedure takes account of the "Outline Capability Procedure" produced by ACAS, and the Statutory Guidance on Capability Procedures for Teachers issued by the DfE in July 2000. Performance problems need to be identified and given appropriate consideration and support at the earliest possible stage. The nature of the problem, its level of seriousness and cause(s) must be investigated and identified by structured information gathering and systematic recording. Although the timescales

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were initiated by the DfE guidance relating to teachers, they will apply equally to non-teaching staff. Special arrangements apply to Newly Qualified Teachers (NQTs) not making satisfactory progress.

Normally, the formal capability procedure will not be invoked before the line manager or Executive Principal has attempted to rectify problems through informal discussions, objective setting and support. If this is not successful, then the next step would be to engage the services of the Academy mediator or an independent third party to seek a resolution. However, where the desired improvement has not been made, or where a newly appointed employee is not performing satisfactorily, the Executive Principal or other line manager shall arrange for an appropriate person to investigate and collect evidence. The Chair of Governors must make arrangements for this to be done if the performance of the Executive Principal is in question.

Where the investigation shows that standards of performance for the job have been set at an unattainable level, revised reasonable standards should be issued. No further action should be taken unless the employee's performance falls short of the revised standards.

Where the investigation shows that the context in which the employee works has altered significantly without the employee having been adequately supported and trained, adequate support and training should be provided. No further action should be taken unless the employee's performance falls short of the required standards.

Where the investigation is complete and the seriousness of the problem is established, there are three initial options:

- drop the matter (no case to answer or trivial)
- arrange counselling (support without using the formal)
- arrange a formal hearing (a formal approach for more serious cases) –

Counselling

Counselling and informal coaching should aim to encourage and help the employee to improve. It should be conducted discreetly. Explanations should be considered carefully and the matter dropped if it becomes evident that there is no case to answer. The employee must be told what is required, how performance will be reviewed, the review period and that the formal procedure will commence if there is no improvement. Counselling should not go on too long. It is important to ensure notes are taken of any counselling and coaching as this will demonstrate the measures taken to assist and support the employee.

Formal Stage

A formal hearing initiates the formal stage of the capability procedure. A hearing provides an opportunity to deal with more serious cases in a structured way. It gives the employee an opportunity to respond to allegations about performance and state their case.

A hearing shall be convened before the Executive Principal who will consider all the facts put forward. If it becomes clear that further investigation is needed, then the hearing should be adjourned to allow this to happen.

Five working days' notice will be given for a hearing, and the employee will be allowed to be accompanied by a trade union official or work colleague.

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After considering the facts at a formal hearing, the Executive Principal has the following options:

- drop the matter
- counselling (except where this has already been undertaken without improvement)
- issue a written caution
- issue a final written caution

The first two options are only relevant where new information, a different slant on the information collected, or further investigation suggests that the matter is not as serious as it first seemed.

Cautions are relevant to any case where continued concern about the standard of performance is justified. The decision on which level of caution to issue will depend on the seriousness of the case. If performance is unsatisfactory a written caution will normally be the next step and will invoke a work assessment period of up to two terms (24 weeks of term time). In cases of particularly serious concern, where the education of the children is in jeopardy, a final written caution may be issued, with a work assessment period not exceeding four weeks. Examples of this might be where a teacher's classroom control is so poor that no order can be established to enable teaching to take place, or where all the children under a teacher's care fail to progress in that teacher's lessons.

Any appeal against a caution or final caution must be received by the Clerk to the Governors within seven calendar days of the date of the conclusion of the hearing. Appeals will normally be heard by the Appeals panel within fourteen calendar days of receipt of the notification of appeal, although they will not usually be heard during Academy holidays. However, Academy holidays will count in the time allowed for administration and preparation for appeals.

If a caution or final caution is issued, the Executive Principal or line manager will use the hearing to:

- identify professional shortcomings;
- give clear guidance on the improved standard of performance needed to end the capability procedure;
- explain the support that will be available, and how performance will be monitored over the following weeks, following the assessment process;
- depending on the level of caution issued, identify the timetable for improvement and agree a date for the next/final evaluation meeting; and
- make it clearly understood that failure to improve may lead to dismissal.

A letter will be sent to the employee within three working days after the formal hearing, outlining the issues discussed, confirming the decision made, clearly stating the points raised above, and where a caution is issued, giving information about the handling and timetable of the formal stage.

First Assessment

Weeks 1 to 6 – during weeks 1 to 6, regular observation, monitoring and evaluation of performance should take place. Guidance, training and support should be put in place as necessary. Formal reviews of progress should take place at regular intervals during the 6 week period. If at any point during weeks 1 to 6 the circumstances suggest a more serious problem, a decision may be taken to move directly to the final caution stage. Such a caution can only be issued after a properly convened hearing as outlined in Appendix A and the employee should be told clearly that failure to achieve an acceptable standard within the next six weeks, with confidence that it can be maintained, may result in dismissal.

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Week 6 – early in week 6, a first assessment hearing will be held to assess performance over the previous weeks. If at the hearing it is established that the level of performance has been satisfactory and there is confidence that it can be sustained, the capability procedure may end at this point. If the procedure comes to an end, this should be confirmed in writing. The letter should also confirm that the caution remains current in accordance with the timescales in paragraph 19 i.e. two terms from the date of that hearing.

If at the hearing it is established that performance continues to be unsatisfactory, a final caution should be issued. Further monitoring, evaluation, guidance and support must continue for a further period. Such arrangements will be explained at the hearing and the employee should be told clearly that failure to achieve an acceptable standard within the next six weeks, with confidence it can be maintained, may result in dismissal. Confirmation of the decision and the points discussed at the hearing should be confirmed in writing to the employee, along with their rights of appeal.

Final Assessment/Dismissal Stage 6-12 weeks

Weeks 6 to 12 - during weeks 6 to 12, regular observation, monitoring and evaluation of performance should take place. Guidance, training and support should be put in place as necessary.

Week 12 – a formal hearing should be convened early in week 12. Normally this will be the final assessment under the capability procedure. The hearing will be convened in accordance with the timescales and requirements in the Conduct of hearings, including providing the employee with copies of the management report/statement of case, copies of documents and evidence, and the identification of any witnesses who will be called to the hearing. If at the hearing it is established that the level of performance has been satisfactory and there is confidence that it can be sustained, the formal capability procedure may end at this point. If the formal procedure comes to an end, this will be confirmed in writing. The letter should also confirm that the final caution remains current in accordance with the timescales i.e. six terms from the date of that hearing.

If at the hearing it is established that performance continues to be unsatisfactory, the Executive Principal may determine that the employee should cease to work at the Academy on the grounds of lack of capability. Confirmation of the decision and the points discussed at the hearing should be confirmed in writing to the employee and to the Chair of Governors.

In normal circumstances it will be appropriate to suspend the employee concerned at this point. It is likely that the employee's performance is so unsatisfactory that they are not able to perform their duties to a reasonable standard.

Gross incapability

For the purpose of this procedure, gross incapability is performance of such a standard that the Academy is unable to tolerate the continued employment of the individual. Some examples (but not an exhaustive list) of gross incapability are where the employee's act or omission jeopardises the safety of pupils or causes substantial financial loss to the Academy. Before deciding to treat a case as gross incapability, Academy's should seek the appropriate Human Resources advice.

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Sickness absence during the procedure

Absence triggered by the capability procedure, and which management believe is likely to be long term, should be referred to the Occupational Health Unit for assessment. A considerate and sympathetic approach will be taken, but in general, the length of time taken to allow the person's health to improve will be subject to guidance from the OHU.

Short absences will not delay or extend any part of the formal stage of the capability procedure. Reasonable steps will be made to enable the member of staff to attend the evaluation hearings, but where they are unable to attend, the hearings may proceed in their absence if the delay would compromise the maximum time allowed in the procedure. In such circumstances a full account of the hearing will be provided in a letter which confirms the decision taken.

Dismissal of Early Careers Teachers

ECTs must undertake a compulsory period of induction during which time they must demonstrate they have continued to meet the standards of Qualified Teacher Status, and meet all the induction standards. The DfES guidance on induction '*Induction for early career teachers (England)*' provides detailed advice on managing the induction period.

The Executive Principal, along with the LA, are responsible for providing a programme of support during the induction year and will make a final recommendation as to whether a new teacher has passed or failed the induction. The LA makes the final decision. An ECT has a right of appeal against this decision to the General Teaching Council for England (the GTCE).

In a few very serious cases it may become apparent that the education of the children being taught by an NQT is being seriously affected. In such cases the normal capability procedure, which may be then shortened to a 4 week improvement period, may be instigated before the end of the induction year. If this happens, the induction process will continue in parallel with the capability procedure for as long as the NQT remains at the Academy.

In cases where the Executive Principal recommends that an ECT has not met the induction standards at the end of the induction period, the Executive Principal [within 10 working days*] must inform the LA, in writing, of this recommendation and send a copy of the recommendation to the ECT. The ECT should be advised that they have 10 working days* from the receipt of the letter to make written representations to the LA about the Executive Principal's recommendation.

Within 20 working days* of receipt of the notification from the Executive Principal the LA must decide whether the NQT has:

- (a) met the standards and completed the induction; or
- (b) should have the induction period extended; or
- (c) has failed to satisfactorily complete the induction

Any written representations made by the ECT must be taken into account when the LA makes this decision.

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No later than 3 working days* of making the decision, the LA must notify the ECT; the Executive Principal and the GTCE; in writing, of that decision. If the decision is (b) or (c) above then the ECT must be advised of their right to appeal against the decision to the GTCE, and should they wish to do so, the appeal must be lodged within 20 working days*.

Where an ECT fails the induction and decides not to appeal within 20 working days* the LA will dismiss the ECT on the basis that they are unable to teach due to lack of qualification. Similarly, if the GTCE conclude that the ECT has failed the induction, the LA will also dismiss on these grounds. It should be noted that the LA cannot effect a dismissal for any other reason without an Academy Hearing Body recommendation that an ECT be removed from the Academy i.e. full dismissal procedures are followed.

Where an ECT fails the induction and appeals to the GTCE, or, has the induction period extended, then the Executive Principal must decide whether or not to call a hearing to consider the future employment of the ECT, or, whether to wait until the outcome of the GTCE appeal. If the Executive Director chooses to call a hearing to consider future employment, and the Hearing Body conclude that the ECT should be removed from the Academy then the LA will dismiss the ECT within 10 working days*. An ECT will have the right to appeal against this dismissal to the Appeals Body of the Governing Body. If the Hearing Body decide to continue to employ the ECT until the outcome of the appeal to the GTCE is known, then employment must be on restricted duties as outlined in the DfES guidance.

* in this procedure working days are defined as any day other than Saturday, Sunday or a bank holiday.

PART III DISCIPLINARY PROCEDURE

Introduction

Normally, the formal disciplinary procedure will not be invoked before the line manager or Executive Principal has attempted to rectify problems through informal discussions or oral warnings (which are not part of the formal procedure). If this is not successful, then the next step would be to engage the services of the Academy mediator or an independent third party to seek a resolution. However, where the matter cannot be resolved in this way or where the alleged action or omission is considered to be of a more serious nature, the Executive Principal shall arrange for an appropriate person to investigate the complaint and shall also arrange for an appropriate person to present the case on behalf of the Academy.

Formal Action

Where the investigation alleges unsatisfactory conduct, the member of staff shall be called to attend a hearing before the Hearing Body (normally the Executive Principal). The Hearing Body shall consider all facts relevant to the case and shall give the member of staff an opportunity to put forward an explanation or defence. If, having heard the case, the Hearing Body considers that a warning or any other formal action is necessary, the member of staff will be informed in writing.

In cases where a further act or omission warranting disciplinary action occurs during the review period; or, where the alleged misconduct is considered to be of a more serious nature, a final warning may be given. This will be confirmed in writing to the employee.

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In cases of potential gross misconduct, or where other formal action has not resulted in satisfactory conduct, the Hearing Body may consider that the employee should cease to work at the Academy due to misconduct. Dismissal may be summary dismissal (in the case of gross misconduct), or, dismissal with notice. Alternatively, the Hearing Body may determine that demotion and/or transfer (with or without a warning) to other employment within the Academy is appropriate. Any action taken will be confirmed in writing to the employee.

Gross misconduct

For the purpose of this procedure, gross misconduct is behaviour of such a nature that the Hearing Body is unable to tolerate the continued employment of the individual in the Academy. Some examples (but not an exhaustive list) of conduct likely to be treated as gross misconduct are assault, fighting, deceit, fraud, racial or sexual harassment and theft. Before deciding to treat a case as gross misconduct, the Academy should seek appropriate personnel advice.

Criminal offences

In the event of a criminal offence connected with work being suspected on the part of a member of staff the Executive Principal shall report the matter to the Chair of Governors. If the Executive Principal deems it appropriate, he shall refer the case to the police (if the matter is not already the subject of police investigations).

During investigations, the member of staff may be suspended by the Executive Principal, as described above.

In cases involving an alleged criminal offence, where it appears to management that sufficient evidence already exists to warrant it, due to an investigation being carried out, (advice needs to be taken to ensure that an internal disciplinary investigation does not impede or undermine a criminal investigation that may be running in parallel), a disciplinary hearing should be held prior to the outcome of court proceedings. Accompaniment to the hearing by the employee will be considered if deemed appropriate in regards to the employee's career ending. The seriousness of the alleged offence will determine the stage at which the matter should be dealt with under this procedure. N.B The police may ask to see the evidence that is gathered during the course of the investigation, particularly, if the employee makes an admission of criminal conduct.

Where, in exceptional circumstances, a member of staff has been suspended pending the outcome of court proceedings, the subsequent conviction of that member of staff may indicate that gross misconduct has occurred and in such cases the matter shall be dealt with accordingly.

An alleged or proven criminal act by a member of staff occurring outside work shall not be treated as an automatic reason for dismissal. In determining what action, if any, should be taken, consideration should be given to the seriousness of the offence and whether the offence is one that makes the individual unsuitable for the work he or she undertakes or unacceptable to other members of staff. Where disciplinary action is considered necessary the matter shall be dealt with at an appropriate stage in this procedure but appropriate Human Resources advice should be sought concerning the timing of any proposed disciplinary hearing.

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Appealing a Decision

Any member of staff wishing to appeal a decision made under this policy should put their appeal in writing within five working days of the outcome of the hearing.

The appeal will be heard by (normally someone senior to the person who took the disciplinary decision and someone who was not involved in the original meeting or decision) who will carry out another investigation (if necessary).

They will determine the whether the outcome whether is the same or if a different outcome is appropriate

The final outcome will be notified in writing within five working days of the decision.

Monitoring, Evaluation and Review

The Governing Body has delegated to the Executive Principal the responsibility for reviewing the implementation and effectiveness of this policy. The Governing Body will approve all major changes to this policy. The policy will be promoted and published throughout the Academy.

Related Academy Policies:

- Grievance Procedure
- Safeguarding
- Equality Policy