



# Tudor Grange Academies Trust

## Disciplinary Procedure

<b>Document title</b>	Disciplinary Procedure
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<b>Date of Approval/Review</b>	8 <sup>th</sup> January 2024
<b>Approving Committee</b>	Finance and Personnel Committee
<b>Version</b>	1.5
<b>Policy review date</b>	Annual – January 2025

Date updated	Version	Change from last version
20.03.19		
27.05.21	1.2	Annual review, formatting and administrative updates
18.11.21	1.3	Correction of typographical error – paragraph 6 header
17.05.22	1.3	Annual review, no changes to document
08.12.22	1.4	Update to paragraphs 13.7 and 14.1, and Section 3 of Appendix 2, to align with the Scheme of Delegation
08.01.24	1.5	Annual review. Rewrite of Appendix 1.

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## 1 The scope and purpose

- 1.1 This procedure aims to encourage a good working environment where employees conduct themselves appropriately to fulfil their contract of employment and meet required Codes of Conduct and professional standards. The procedure is applicable to all employees and is designed to enable individual cases to be resolved fairly, consistently and in a timely manner. The procedure should be used to deal with alleged breaches of standards and professional codes of conduct and to correct behaviour. It should not be seen simply as a punitive procedure. Wherever possible minor issues of misconduct should be resolved informally without recourse to the disciplinary policy. However, the procedure will be used where employee behaviour is unacceptable, or an act of misconduct or gross misconduct has occurred.

- 1.2 This procedure may be used as a result of an investigation into a complaint of harm against an employee working with children and/or vulnerable adults. Initially in these cases the Abuse Allegations Procedure will need to be considered prior to the disciplinary procedure.
- 1.3 The disciplinary procedure is not intended to be used for matters that should be handled by the Capability Procedure or Sickness Absence Procedure. This procedure is also not intended to cover issues of misconduct that arise during the support staff probation period. However, allegations of gross misconduct that arise during the support staff probation period will be handled under this Disciplinary Procedure.
- 1.4 The application of this procedure, and the standards of behaviour set out in the Staff Code of Conduct and Part 2 of the Teachers' Standards, may also extend to some settings outside the workplace whilst off duty e.g. work-related social events.
- 1.5 All disciplinary matters are confidential to the parties involved.

## 2 Principles

- 2.1 The Employer reserves the right to implement the procedure at any stage, as set out below, taking into account the alleged misconduct of an employee.
- 2.2 Issues of minor misconduct should be dealt with as they arise, informally in the first instance where appropriate, before referring matters onto the formal procedure.
- 2.3 Employees have a right to be accompanied by a trade union<sup>1</sup> representative (or a person approved by the trade union) or a nominated work colleague during any part of the formal stages of the disciplinary procedure.
- 2.4 In the event of any action being proposed under this procedure against a trade union representative, the appropriate full time official of that trade union should be notified prior to the procedure being used. (For further information please refer to the ACAS Code of Practice).

## 3 Definitions

<b>"Board"</b>	The Trust board which is made up of the Trustees who together are responsible for the delivery of the core functions and hold the Chief Executive Officer to account. Some responsibilities may be delegated to a sub-committee of Trustees.
<b>"Bundle"</b>	Refers to the information gathered during an investigation including copies of signed witness statements and other relevant documentation.
<b>"Commissioning Officer"</b>	Refers to the person who will instigate an investigation. This will normally be the Principal or Head of School.
<b>"Executive"</b>	Refers to the Trust leadership team.
<b>"Chief Executive Officer"</b>	The person with the overall responsibility for the day to day running of the Trust. The Principals of the individual Academies are accountable to the Chief Executive Officer.
<b>"Gross Misconduct"</b>	Refers to conduct that is extremely serious and which, because it strikes at the very heart of the employment relationship, could result in summary dismissal for just one offence. Examples of gross

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<sup>1</sup> A trade union is defined as anybody appearing on the certification officers' list of trade unions.

	misconduct are provided in Appendix 1.
<b>“Senior Manager”</b>	Refers to a line manager, member of the Leadership Team, Principal, Chair of Governors, Executive or Chair of the Board.
<b>“LGB”</b>	The Local Governing Body support the Principal in running the school and hold them to account along with the Trust Board
<b>“Misconduct”</b>	Refers to behaviour or conduct that is considered unreasonable and unacceptable. It may also contravene an employee's contract of employment and/or breach some of its terms and conditions. Examples of misconduct are provided in Appendix 1.
<b>“Principal/Head of School”</b>	The person responsible for the day to day running of a school within the Trust.
<b>the “Trust”</b>	Tudor Grange Academies Trust (company number: 07365748) whose registered office is at Tudor Grange Academy, Dingle Lane, Solihull, West Midlands, B91 3PD.
<b>“Academy”</b>	Any school which falls within the umbrella of the Trust.
<b>“Board”</b>	The Multi-Academy Trust board which is made up of the directors (and trustees) who together are responsible for the delivery of the core functions and hold the Executive Principal to account.
<b>“Executive Principal”</b>	The person with the overall responsibility for the day to day running of the Trust. The Principals of the individual Academies are accountable to the Executive Principal.
<b>“Manager”</b>	Any person who provides directions to other more junior Trust Persons and whom the same Trust Persons report to.
<b>“Medication”</b>	Any prescribed or over the counter medicine.
<b>“Prescribed Medication”</b>	Any drug or device prescribed by a doctor.
<b>“Principal”</b>	The person responsible for the day to day running of a particular Academy within the Trust.
<b>“SENCO”</b>	Special Educational Needs Coordinator
<b>“Trust”</b>	Tudor Grange Academies Trust (company number: 07365748) whose registered office is at Tudor Grange Academy, Dingle Lane, Solihull, West Midlands, B91 3PD.
<b>“Trust Person”</b>	All staff trustees and governors engaged by or associated with the Trust.

## **4 Responsibilities**

### **4.1 Employee**

To make themselves available and to co-operate during each stage of the procedure in order to allow a full, thorough and transparent investigation and hearing to take place and ensure a timely conclusion.

### **4.2 Principal/Head of School/Commissioning Officer**

To ensure that staff and governors have access to and are acquainted with this procedure and they themselves are aware of both the procedure and their delegated responsibility within it. As the Commissioning Officer, the Principal is to arrange for the appointment of an investigating officer to conduct a prompt and thorough investigation of any matter of misconduct in accordance with the procedure. Consultation with HR should take place as required.

### **4.3 Trade Union Representative or nominated work colleague**

To accompany and advise an employee throughout all stages of the formal procedure, where requested. The representative will be allowed to act in accordance with ACAS guidelines.

#### **4.4 Investigating Officer**

To undertake a full, thorough, fair and objective investigation, gathering all the relevant information available at the time. Consultation with HR as appropriate.

#### **4.5 The Panel**

To decide whether the employee is responsible for culpable conduct relating to the allegations and what, if any disciplinary sanction should be imposed. The Panel could be one individual or be composed of several members.

### **5 Gross misconduct**

5.1 Gross misconduct is conduct which is extremely serious and which, because it strikes at the very heart of the employment relationship could result in summary dismissal for a first offence. If on completion of an investigation under the disciplinary procedure, the employer is satisfied that gross misconduct has been established, this will normally result in summary dismissal i.e. dismissal without notice.

5.2 Where there are allegations of gross misconduct the Chair of Governors, Trust Board and/or Chief Executive Officer shall be advised immediately as appropriate.

5.3 In cases of potential gross misconduct, consideration should be given to whether the employee should be suspended or transferred. Please see below for details.

### **6 Suspension of staff**

6.1 In certain cases, for example in cases of potential gross misconduct, or where relationships have broken down, consideration should be given to redeployment or a period of agreed leave. If, however, this is considered inappropriate or cannot be accommodated (e.g. the employee's presence within the workplace would hinder the investigation), then after careful consideration, a period of suspension with full pay may be arranged. Further guidance and associated risk assessment regarding suspension can be found at Appendix 4.

6.2 Where there is reason to suspect that a child and/or vulnerable adult are at risk of harm or there is a police investigation there may be the need to suspend the employee. Consideration should first be given to alternative work with no direct contact with children or vulnerable adults.

6.3 Equally, if during an investigation, evidence comes to light to suggest that gross misconduct has occurred, the employee may be:

- (a) temporarily transferred;
- (b) a period of leave arranged;
- (c) suspended on full pay, as detailed above.

6.4 The Principal, or nominated senior person, shall have the power to suspend any teacher or school-based employee having taken advice from HR and EPM. In the case of a Principal, the Chief Executive Officer may suspend in consultation with the Chair of the Trust Board. In the case of a member of the Executive Team the Chair of the Trust Board will consult directly with EPM.

6.5 The decision to suspend should be confirmed in writing within 3 working days from the date of suspension. Any such suspension is without prejudice and does not constitute disciplinary

action or imply guilt. Any decision to suspend or transfer an employee must be kept under review, and appropriate contact must be maintained with the employee during the period of suspension.

- 6.6 An employee who is suspended must be available and contactable during their normal working hours. Where an employee is unavailable to attend meetings or hearings without good reason, appropriate action will be taken and may consequently impact upon pay.
- 6.7 Where an employee has been signed-off sick during a period of suspension, sick pay will apply in accordance with the Trust's Sickness Absence Management Procedure.

## **7 Absence during disciplinary proceedings**

### **7.1 Employee absence**

7.1.1 Whilst it is recognised that it is natural for employees to feel concerned at being informed of disciplinary issues, this must not prevent the disciplinary process from continuing. Employees are reminded of their obligation to 'be available' to the employer, to enable the disciplinary process to proceed without undue delay.

7.1.2 In exceptional circumstances, where an employee is unable to attend work or make themselves available during the investigation and following commencement of Disciplinary Proceedings, consideration may be given to allow the employee to:

- (a) postpone the hearing or meeting once, provided there is satisfactory evidence/reason for the postponement;
- (b) send in written representation instead;
- (c) send a representative in their place;
- (d) opt for a combination of option (b) and (c);
- (e) hold the meeting away from the workplace at a neutral venue;
- (f) have the meeting by telephone conference from their home.

7.1.3 Failure to attend without good reason or comply with the above, may result in withdrawal of pay, following appropriate consideration of the circumstances.

### **7.2 Trade Union Representative or Nominated Work Colleague Absence**

7.2.1 In accordance with legislation and with the ACAS Code of Practice on Discipline and Grievance where a trade union representative or work colleague (who is accompanying the employee) is unable to attend a hearing, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than 5 working days after the original date.

## **8 Safeguarding vulnerable groups**

8.1 In line with safeguarding obligations and in order to ensure the protection of children and vulnerable adults, the following will apply in circumstances where safeguarding concerns exist:

- a. if an employee resigns during an investigation, the investigation must continue and have an outcome, which should be recorded;
- b. whilst any sanctions awarded would only remain "live" from the period stated for the purposes of future disciplinary decisions, any sanctions from an investigation into harm to children and vulnerable adults should remain on file until the person has reached normal retirement age or for 10 years, whichever is longer. But always subject to the Data Protection policy;

- c. details of any safeguarding allegations (including unproven allegations), the outcome of the those concerns, the conclusion reached, and how the matter was resolved, will be kept on file for 10 years, but always subject to the Trust Data Protection policy, and may be used in a future reference request (unless it is established that the allegations are malicious).

8.2 This is to ensure that the Trust is compliant with safeguarding statutory guidance Keeping Children Safe in Education.

8.3 Referrals to DBS will be made as required by the Safeguarding Vulnerable Groups Act 2006 as amended. Similarly, referrals to the Teaching Regulation Agency will be made as required.

## **9 Informal resolution**

The Trust recognises that in some cases of unsatisfactory conduct, and minor breaches of conduct, informal counselling of the employee by their immediate line manager/Principal will quickly resolve the problem, thus reducing or eliminating the need for formal disciplinary action. This section provides guidance to managers on approaching such matters in an attempt to promote consistent practice and reduce the need for formal disciplinary action where appropriate.

More serious or repeat instances of misconduct may invoke formal disciplinary procedure.

As this is an informal one to one discussion, which will not result in a formal disciplinary sanction, employee representation will rarely be appropriate at this stage.

## **10 Good management practice**

10.1 Managers should use this informal approach where formal disciplinary action is disproportionate to the alleged misconduct.

10.2 In these instances, the manager/Principal should arrange to meet with the employee to discuss the conduct. Consideration may be given to the following points:

- explain that the meeting is informal;
- outline that it is not formal disciplinary action and therefore not part of the formal disciplinary procedure. However, if the employee considers that the matter being discussed requires representation and would prefer for the matter to be dealt with under the formal procedure, an adjournment should be taken whilst advice is sought from HR;
- outline the conduct under review;
- ask the employee for an explanation;
- explain why the conduct was considered inappropriate;
- confirm the expectations and required standards;
- in certain circumstances, it may be appropriate to agree with the employee an action plan (if applicable) that provides a framework setting out the improvement required. It may be appropriate to set objectives and timescales;
- whether counselling, training or any other help or support is appropriate;
- confirm when the matter will be reviewed (if applicable);
- explain that formal disciplinary action may be taken if the improvement is not achieved or sustained.

10.3 The manager should confirm in writing on a memorandum a brief note of the conversation and any advice, action points or review periods. A copy of which is made available to the employee. The employee has the right to annotate the memorandum should they feel they disagree with the contents. The memo will be retained on but does not form part of the employee's disciplinary record. (Copy for the employee).

- 10.4 Where this process has not led to the desired outcome, such as in cases of repeated occurrences of minor misconduct, or where the matter is more serious (and this recommended practice is not appropriate) then progression to the formal part of the policy may be required.

## **11 Formal disciplinary procedure**

This part of the procedure should be applied for cases of more serious misconduct, gross misconduct and where informal resolution has not reached the desired outcome and there are repeated occurrences of minor misconduct.

When an allegation is made or received, the Principal will make a judgement regarding the available facts and will allocate an Investigating Officer if appropriate.

## **12 Investigation stage**

- 12.1 The Commissioning Officer will appoint a suitable Investigation Officer. The Investigating Officer will conduct a full and thorough investigation, gathering all the relevant information available at the time, ensuring the investigation remains fair and objective at all times. The investigation should be in proportion to the nature of the alleged misconduct.
- 12.2 The Investigating Officer should be someone who has not previously been involved in the matter. This will normally be a senior leader from the school, or in serious case, a member of the Executive Team or senior leader/Principal from another school.
- 12.3 The employee who is the subject of the alleged misconduct will be informed in writing of the matters to be investigated, providing them with a copy of this procedure and reminding them of their right to be accompanied by a trade union representative (or a person approved by the trade union) or a nominated work colleague. At least 5 days in advance of the investigative meeting. The letter should also state whether the allegations would constitute misconduct or gross misconduct.
- 12.4 Employees who are suspended from work are not automatically precluded from contacting their workplace colleagues socially. However, as with all employees under disciplinary investigation, they should ensure that they do not discuss the matter under investigation with anyone other than their nominated representative. Nor should they access their place of work, other than at agreed times.
- 12.5 The investigation may include discussions with the employee and may include taking statements from any relevant witnesses and collecting any further documentary evidence. If statements are taken each one should be signed by the witness as being a correct account of their evidence.
- 12.6 Statements from pupils should be taken with care and parents or carers should be invited to attend the meeting when the statement is taken. Pupils will not be invited to disciplinary or appeal hearings.
- 12.7 In exceptional circumstances, such as where there is fear of reprisals, statements gathered from relevant witnesses may be given anonymously. In such cases the investigating officer must seek to gather as much further evidence to substantiate the allegations as appropriate.
- 12.8 An investigation will normally be completed within 15 working days of the date that the employee was first notified of the allegation. In exceptional circumstances, where this, is not possible, the investigation will be completed as promptly as possible, and the employee will be kept fully informed on future timescales by the investigating officer.



12.9 When the investigation has been completed, the Investigating Officer will forward their report and recommendations to the Principal. The report must include a recommendation which should be as follows:

1. there is no case to answer and the matter should not go forward to a formal disciplinary hearing. However, this outcome may still be subject to an action plan, management advice, and/or training to avoid similar occurrences in the future in line with the report recommendations;

or

2. there are reasonable grounds to believe that an employee has committed an alleged act of misconduct. Following consultation with HR, the Principal or Investigating Officer will write to the employee to confirm the outcome of the investigation and invite them to attend a Formal Disciplinary Hearing.

Following the conclusion of an investigation, an employee may accept a disciplinary sanction without being subject to a full hearing if the outcome is agreed between the employee and the school. In accepting an agreed outcome, the employee foregoes the right of appeal and the school should take HR advice prior to any such agreement.

## **13 Disciplinary hearing**

### **13.1 The Panel**

13.1.1 Where an investigation has substantiated that the alleged act or acts are potentially matters of misconduct and do not appear serious enough to constitute gross misconduct or are unlikely to warrant dismissal:

- the Principal or senior manager will chair the hearing where the policy is being applied to any school-based employee;
- the Chair of the LGB, Chair of the Trust Board or member of the Executive as appropriate will chair the hearing where the policy is being applied to a Principal;
- the Chair of the Trust Board, or another nominated Trustee from the Board will chair the hearing where the policy is being applied to the Chief Executive Officer or a member of the Executive Team.

13.1.2 Where an investigation has substantiated that the alleged act or acts are potentially matters serious enough to constitute gross misconduct, and there is a strong possibility of dismissal, and particularly in cases where an employee has either allegedly committed an act of gross misconduct or has an outstanding 'live' final written warning:

- the Principal will chair the hearing where the policy is being applied to any school-based employee;
- the Chair of the LGB, Chair of the Trust Board or member of the Executive as appropriate will chair the hearing where the policy is being applied to a Principal;
- the Chair of the Trust Board, or another nominated Trustee from the Board will chair the hearing where the policy is being applied to the Chief Executive Officer or a member of the Executive team.

### **13.2 Written Notification**

The employee will be given at least 5 working days' notice of the hearing, together with written confirmation of the following:

- the purpose of the hearing;
- the date, time and location of the hearing;
- the right to be accompanied by a trade union representative (or a person approved by the trade union) or a nominated work colleague;
- The allegation(s) against the employee;
- the 'bundle' containing all relevant information (including the investigation report, any statements and other documentation that the organisation intends to rely upon);
- any witnesses that will be called by the Investigating Officer;
- their right to forward written submissions and any additional information or names of witnesses to be called;
- if dismissal is a possible outcome it should be stated.

### 13.3 Employee Requirements Prior to the Hearing

Employees must forward any written submissions, additional information or names of any witnesses they wish to be called, at least 2 working days prior to the hearing.

### 13.4 During the Disciplinary Hearing

1. The Investigating Officer will present the evidence gathered and call any witnesses as appropriate.
2. The employee and/or their representative will have the opportunity to question any witness and the Investigating Officer.
3. The Panel may also question the witnesses and the Investigating Officer.
4. The employee (or their representative) will then present their case and call any witnesses.
5. The Investigating Officer will have the opportunity to question any witnesses and the employee.
6. The Panel may also question witnesses and the employee.
7. The Investigating Officer and employee (or representative) will each be given the opportunity to make a brief concluding statement.
8. Both parties will then withdraw and the panel will consider the information presented and decide on whether the allegations have been substantiated. This decision will be based on the balance of probabilities.
9. The Panel may also choose to recall both parties to clarify points of uncertainty before making a final decision.
10. All parties will be then be recalled and informed of the Panel's decision.
11. Where the allegation(s) have been established, full or in part, HR will confirm whether the employee has any live warnings for the Panel's consideration. If applicable, a further adjournment will take place whilst the Panel decide on the appropriate sanction.
12. The hearing will then be reconvened and the Chairperson will confirm the outcome, including:
  - the sanction (if any);
  - the reason/s for the decision;
  - the period any sanction will remain 'live' (if appropriate);

- that further misconduct is liable to lead to further disciplinary action and may result in their dismissal; and
  - their right of appeal.
13. There may, however, be exceptional circumstances where the Panel will be unable to make an immediate decision, and an adjournment may be required, in which case the decision may be confirmed in writing at the earliest opportunity without the need to reconvene the disciplinary Panel.

### 13.5 Possible Sanctions

At the conclusion of the hearing, the Panel will decide on the most appropriate course of action from the list below:

1. The allegations are not substantiated.
2. The allegations are substantiated (in full or part) but no formal action is appropriate. The case may be referred back to the informal stage.
3. The allegations are substantiated (full or in part) and that formal action is appropriate. The Panel will then consider the most appropriate course of action in light of all relevant information. The decision can be:
  - verbal Warning (which will normally remain 'live' on file for six months);
  - first written warning (which will normally remain 'live' on file for twelve months);
  - final written warning (which will normally remain 'live' on file for twenty-four months), although in exceptional circumstances the panel may choose to reduce or extend this period).;
    - where acts of gross misconduct are proven the employee may be summarily dismissed (dismissal with immediate effect where pay in lieu of notice is not paid). Where the employee has committed a further act of misconduct (this being an act other than gross misconduct) following a final written warning the employee may be dismissed with notice or with pay in lieu of notice.

If it has been found during the course of the investigation that an employee has taken or been in receipt of monies they were not entitled to, the school reserves the right to recoup these monies.

Once a sanction has expired, it will be removed from the employees file and destroyed.

### 13.6 After the Hearing

The employee will be informed of the outcome of the hearing by the Chair, and confirmed in writing within 5 working days of the hearing. Where it is not practicable for the employee to wait for the Panel to deliberate, it may be possible with prior agreement for the outcome to be communicated by telephone and then in writing as above. The letter will inform them of the following:

- the sanction (if any);
- the reasons for the decision;
- the period any sanction will remain 'live' (if appropriate);
- that further misconduct is liable to lead to further disciplinary action and may result in their dismissal;
- their right of appeal;
- that a referral will be made to the Disclosure and Barring Service and Teaching Regulatory Agency (if appropriate).

## 13.7 Right of Appeal

Where employees are dissatisfied with the outcome of the disciplinary hearing, they can appeal in writing against the decision within 5 working days of receiving written notification of the decision, using the form in Appendix 2. The employee's appeal must clearly state their grounds for appealing.

An employee may choose to appeal, for example, because:

- they believe a finding or sanction is unreasonable;
- new evidence has come to light;
- they believe the disciplinary process was procedurally flawed.

Appeals should be sent to the HR Director.

## 14 Appeal Hearing

### 14.1 The Panel

The appeal will be heard by a panel consisting of between 1 and 3 people depending on the case and the Trust Scheme of delegation. The panel will not have been previously involved in the case. The panel may be assisted by a HR representative who has not previously been involved in the case to act as a technical advisor to the panel.

Where possible, all appeal hearings should be convened within fifteen working days of receiving notification from the employee. Where this is not possible the employee will be kept informed of future timescales.

### 14.2 Written Notification

The employee will be notified in writing giving at least 5 working days' notice of the date, time and venue for the appeal hearing and inform them of their statutory right to be accompanied by a trade union representative (or a person approved by the trade union) or a nominated work colleague during any part of the formal stages of the disciplinary procedure.

### 14.3 During the Appeal Hearing

The following points will be covered during the appeal hearing; although this list is not exhaustive:

1. The Disciplinary Hearing Chairperson who issued the warning shall outline the details of the allegation and explain the reasons behind their decision.
2. The appellant (or their representative) and the appeal hearing panel will have the opportunity to question the Chair of the Disciplinary Hearing.
3. The appellant (or their representative) will outline the grounds of their appeal.
4. The Chair of the Disciplinary Hearing and the appeal hearing panel will have the opportunity to question the appellant or their representative.
5. The Chair of the appeal hearing will then invite the Chair of the Disciplinary Hearing and the appellant to each make a concluding statement.
6. Both parties will then withdraw whilst the panel considers the evidence.

### 14.4 Possible Outcomes

Following the appeal hearing the Chair of the appeal hearing must inform both parties of the appeal decision, and the reasons for it, as soon as possible. The decision can be:

1. Appeal upheld in full (and disciplinary action withdrawn).
2. Appeal upheld in part (and disciplinary action reduced).
3. Appeal not upheld (and disciplinary action confirmed).
4. That there will be a re-run of the original hearing at which a decision will be reached in line with options 1 to 3 as above.

The decision should also be confirmed in writing by the Chair within 5 working days of the appeal hearing (unless this is not practicable). The Chair must make it clear to the employee that the decision is final and that their right of appeal under the procedure has now been exhausted.

## Examples of Misconduct and Gross Misconduct

### A. Misconduct

The following is a non-exhaustive list of potential misconduct issues, some of which, depending on severity, could constitute gross misconduct (please see Section B within Appendix 1 for more details)

Absenteeism and lateness, for example:

- Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence
- Frequent failure to attend work punctually
- Failure to comply with our sickness absence reporting procedure

Neglect of duty, for example:

- Failure to adopt safe working practices/use protective equipment where required by law or management
- Damage to, or unauthorised use of our property or contractors property
- Insubordination
- Obscene language or other offensive behaviour.
- Undertaking additional employment outside normal working hours without authorisation.
- Breaches of our policies.
- Breaches of your contract

### B. Gross misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Allegations of Gross misconduct will be dealt with under our disciplinary procedure and, if upheld will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- Behaviour that has or may have harmed a child<sup>2</sup> or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:
  - Sexual behaviour towards or relations with a pupil
  - Physically harming a pupil
  - Criminal offences related to or against a child

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<sup>2</sup>Child/children relates to anyone under the age of 18

- Criminal activities or offences, whether committed at work or not, that may affect our reputation or otherwise affects your suitability and/or ability to continue in employment.
- Sexual misconduct, whether at work or not and, whether criminal or not.
- Acts of physical or threatened violence, vandalism, bullying or, behaviour which provokes violence.
- Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.
- Being under the influence of alcohol or other substances that make you unfit to perform your duties during working time, or illegal use of drugs at any time.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material on our equipment or during working time.
- Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.
- Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:
  - Failure to comply with the Prevent Duty
  - Failure to report safeguarding concerns
  - Failure to exercise proper control or supervision of pupils
  - Disclosure of restricted public examination material or content
  - Falsifying sickness absence
  - Taking leave when permission denied
  - Job Abandonment
  - Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food
- A serious breach of our Code of Conduct.
- A serious act of insubordination.
- Dishonesty associated with place of work or job being undertaken, for example:
- Theft or unauthorised removal or misuse of property.
- Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use, falsification of any information given on your application form for a post, entitlement to work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
- Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.

- Failure to disclose criminal convictions, cautions, bindover orders reprimands or warnings (except those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an offence, a conviction, a bindover order, a reprimand or a warning given by a police force.
- Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- Unauthorised use or disclosure of confidential information (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure.
- Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a governor, a member of the public, or our reputation.
- Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a governor, or a member of the public.
- Victimising a person who has raised concerns, made a complaint, given evidence or information under our policies, e.g. grievance procedure, disciplinary procedure or otherwise.
- Making a disclosure of false or misleading information under our whistleblowing policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations in bad faith against a person.
- Bringing the organisation into serious disrepute.



**Disciplinary appeal form****Section 1: Your details**

1. Your name	
2. Your job-title	
3. Your workplace address	
4. Your address	
5. Your e-mail address	

**Section 2: Grounds of appeal**

Please indicate your grounds for appeal for sections A to D and provide further detail in the section at the end.

**A) Breach of procedure**

I am appealing on the grounds that the procedure was applied unfairly. YES NO

If you ticked "yes", please explain:

- how and where the procedure was not followed
- what effect this had on the outcome of the disciplinary process
- any evidence not available at the original hearing that supports this aspect of your appeal, and
- what prevented you from presenting it

**B) The facts of the case**

I am appealing on the grounds that the findings at the hearing were unfair. YES NO

If you ticked "yes", please explain:

- the parts or facts you dispute
- the evidence that you believe was given too much or too little weight
- if you are disputing the conclusions that were arrived at by the chair/panel, please details these.
- any evidence not available at the original hearing that supports your appeal

**C) The action taken was disproportionate**

I am appealing on the grounds that the action taken was disproportionate to the circumstances of the case: YES NO

If you ticked yes, please explain:

- the sanction or warning that was applied
- the aspect of the sanction or warning that you believe is disproportionate
- the reason why you believe it is disproportionate
- any evidence not available at the original hearing that supports this aspect of your appeal; and
- what prevented you from presenting it

**D) Any other substantial grounds of appeal**

I am appealing for another substantial reason:

YES NO

If you ticked yes, please explain:

- the grounds on which you are appealing
- its effect on the procedure followed
- its effect on the findings of fact at the original hearing
- its effect on the sanction applied
- any evidence not available at the original hearing that supports this aspect of your appeal;  
and
- what prevented you from presenting it

**PLEASE PROVIDE FURTHER DETAIL FOR YOUR GROUNDS OF APPEAL** (continue on another sheet if necessary)

**Signature of appellant**

Your signature \_\_\_\_\_ Print Name \_\_\_\_\_

Date of signature \_\_\_\_\_

**Section 3: Administration**

This section is to be completed by the person the HR Director

Date the appeal was lodged

Was the appeal lodged in time? YES NO

### Appendix 3 Overview of disciplinary process

