



**Education  
Partnership  
Trust**

Creating outstanding schools  
which transform learning, lives  
and communities

# DISCIPLINARY POLICY

**DOCUMENT CONTROL**

This document has been approved for operation within:	Burnley High School/Atherton High School
Date effective from	2020
Date of next review	2023
Review period	3 year
Status	Statutory
Owner	Trust
Version	1

## Principles

The Trust's policy is to encourage communication and to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

The Trust recognises that it is essential to maintain high standards of performance and behaviour. This procedure seeks to provide a fair, effective and consistent method of dealing with conduct which falls below those standards. The procedure is non-contractual but applies to all employees, so you should familiarise yourself with its provisions.

It is the Trust's intention that wherever possible, any shortcomings will be dealt with informally by your line manager, providing any assistance, advice or training required to achieve the necessary improvement.

Depending upon the gravity of the offence, the procedure below may be implemented at any stage. No disciplinary action will be taken until the matter has been investigated. No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct.

You have the right to appeal against any disciplinary action taken.

Where managers have concerns about the conduct of a member of staff, they are encouraged to speak to HR and should liaise with HR before starting an investigation.

## Suspension

If you are accused or suspected of gross misconduct, you may be suspended from work on full pay while the Trust investigates the alleged offence. Being suspended from duty is not a disciplinary penalty and does not imply any presumption of guilt on your part. We will endeavour to resolve the issue swiftly and keep the suspension to a minimum whilst ensuring there is an appropriate investigation. Any suspension decision will be kept under review.

During any period of suspension, you must comply with the school's instructions on reporting and attendance.

## Investigation

No disciplinary action will be imposed without a disciplinary meeting being held after an appropriate investigation. This may, where appropriate, involve an investigatory meeting with you.

Where we are investigating an allegation of possible misconduct by you, you will have the right to be accompanied by a fellow employee or a trade union official at investigatory meetings as well as any disciplinary meeting. You will be notified of the meeting a week in advance.

In order to avoid delays to investigations and protect confidentiality, if you are invited to an investigatory meeting as a witness (rather than the subject of an allegation), you do not have the right to be accompanied. If this causes you any concern, please contact HR.

## Disciplinary meeting

So far as is possible, any disciplinary meeting will take place without unreasonable delay, while allowing you sufficient time to prepare your case. Where possible, the disciplinary meeting should be conducted by someone other than the person who carried out the investigation. You will be notified of the meeting a week in advance. Before any disciplinary meeting, you will be notified in writing of:

- the time, date, and location of the meeting
- the alleged misconduct or the circumstances which have led to disciplinary action being considered
- your right to be accompanied by a fellow employee or trade union official
- the potential disciplinary sanction that may be applied as an outcome should the allegations be proven.

Before any disciplinary meeting is held, you will be given a reasonable opportunity to consider your response to the written notification referred to above and provide any documentation which you wish to be considered during the hearing.

Where appropriate, you will be provided with the details of the investigation and provided with copies of any witness statements taken prior to the disciplinary meeting. These will be provided far enough in advance of the meeting to allow you a reasonable opportunity to consider them. You will be informed whether the investigating officer proposes to call any witnesses at the disciplinary meeting. You will be given the opportunity to call any witnesses that you feel support your case.

You must take all reasonable steps to attend the disciplinary meeting and, if appropriate, the appeal hearing. If the person accompanying you is not available on the date or at the time set for the disciplinary meeting, you should inform us immediately and we will rearrange to an alternative time proposed by you, provided that alternative time is both reasonable and not more than five working days after the original date. You must make every effort to attend the meeting; failure to attend without providing a good reason may result in the meeting going ahead in your absence and a decision may be made based on the available evidence. Where you confirm that you or your representative are unable to attend an alternative date will be reasonably rearranged within five days of the original date and should you fail to attend the hearing will go ahead in your absence.

At the meeting, the investigating officer will explain the complaint and go through the evidence gathered. You may:

- set out your case and answer allegations;
- have a reasonable opportunity to ask questions, present relevant evidence and call relevant witnesses; and
- raise points about any information provided by witnesses.

After the disciplinary meeting, you will be informed in writing of the decision and of your right of appeal against any disciplinary action.

If a warning is imposed, you will be informed of:

- the nature of the misconduct
- (where appropriate) the change required and the timescale for this change
- how long the warning will remain current
- the consequences of further misconduct, or failure to improve, within this period.

If you are dismissed, you will be informed of:

- the reasons for the dismissal
- the date on which the employment contract will end and any appropriate period of notice.

### Disciplinary action

1. If conduct is unsatisfactory, you will be given a first written warning which will be recorded on your personnel file. If appropriate, you will be informed of the improvement required, the timescale for improvement and that further disciplinary action will result if the required standard is not met or there is a

further offence. The warning will be disregarded after 12 months from the date you are notified of the warning. This means it will only be taken into account in any future disciplinary process if further misconduct has occurred within 12 months.

2. If the offence, whilst falling short of gross misconduct is serious enough to warrant only one written warning, if there is no improvement in standards or if a further offence occurs, a final written warning will be given which will include the reason for the warning. The warning will state that a failure to meet or sustain the required standards or the commission of further misconduct offences may result in your dismissal. You will be asked to acknowledge receipt of the final written warning, which will be kept on your personnel file. The warning will be disregarded after 12 months from the date you are notified of the warning. This means it will only be taken into account in any future disciplinary process if further misconduct has occurred within 12 months.
3. In the case of gross misconduct or if the previous stages of the warning procedure have been exhausted a decision may be taken to terminate your employment. However, no decision to dismiss will be taken unless/until all of the circumstances have been fully considered. If, as a result of the investigation and disciplinary meeting it is concluded that the Trust must terminate your employment, you will receive a letter specifying the effective date of dismissal, whether or not you are being given notice or pay in lieu of notice (this will usually not be the case in situations of gross misconduct) and your right of appeal.

The following are non-exhaustive examples of the sort of offence which constitutes gross misconduct, and will normally result in dismissal:

- Serious acts of insubordination.
- Serious breach of financial regulations or other operational regulations
- Gross negligence in performance of duties
- Theft from the school/Trust, it's employees or members of the public or other acts of dishonesty
- Serious breach of duty concerning the handling of confidential information
- Serious breach of health and safety or safeguarding rules
- Failure to provide a safe working environment for children, young people or vulnerable adults
- Taking drugs on work premises or in work time for other than medical reasons
- Buying, selling or offering drugs on work premises or in work time
- Offering alcohol to students
- Being under the influence of alcohol or non-prescription drugs on work premises or in work time
- Fraud
- Falsification of information, for example, qualifications or other relevant personal details in seeking and obtaining employment or promotion; information contained in time sheets, overtime claims, invoices, accounts, records or medical certificates.
- Fighting, violent, offensive, abusive or indecent behaviour
- Unlawful acts of discrimination within the workplace
- Bullying and/or harassment
- Unauthorised removal of and/or serious misuse of and/or deliberate damage to the Trusts property and equipment including misuse of email, fax or internet facilities
- Sexual misconduct at work
- Abandoning duty without authority
- Any conduct likely to bring the School/Trust into disrepute
- Aiding and abetting any of the above

- Other actions which fundamentally breach the relationship of trust and confidence which exists between employer and employee
- Criminal offences and cautions outside of work, including reprimands, final warnings or penalty notices.

## Appeals

If you wish to appeal against any disciplinary decision, you must request this in writing initially to your headteacher, unless previously involved or the CEO within five working days of being notified of the disciplinary action being taken. Any notice of appeal should set out your reasons for challenging the disciplinary action.

The meeting will normally take place within two weeks of receipt of your written appeal, and you will have the right to be accompanied by a fellow employee or a trade union official.

Unless there are exceptional circumstances, such as an appeal which reveals a need for further extensive investigations, you will be informed, in writing, of the decision of the appeal hearing within five working days of the meeting. This written decision is final, and no further appeal may be made. Where the appeal is against dismissal, the date of your dismissal will not be postponed while the appeal is being considered.