Staff Disciplinary Policy and Procedure

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1. Purpose

Veritas Multi Academy Trust is committed to maintaining high standards of professional conduct while treating all employees fairly, consistently and with dignity in compliance with our legal obligations.

The purpose of this policy is to provide a clear framework for addressing concerns about employee conduct. The Trust will seek to resolve concerns at the earliest stage using an informal resolution where appropriate. Where formal action is necessary, employees will be provided with sufficient information to understand the concerns raised and will be afforded an appropriate opportunity to respond and be treated fairly throughout the process.

This policy aims to:

- support high standards of professional conduct;
- address concerns promptly and proportionately;
- encourage early and informal resolution where appropriate;
- establish the facts before decisions are made;
- ensure consistency and fairness, as appropriate;
- provide employees with an opportunity to respond to concerns raised;
- ensure appropriate separation between investigation and decision-making wherever practicable;
- protect the interests and welfare of pupils, employees and the Trust; and
- provide a right of appeal against formal disciplinary action taken under the policy.

2. Scope

This policy applies to all employees of Veritas Multi Academy Trust, including teaching staff, support staff, employees working across more than one academy, Central Team employees, Headteachers and other senior leaders, the Chief Executive Officer and other executive leaders.

Separate arrangements concerning authority to investigate, hear and determine matters involving senior employees are set out within this policy.

There may be some occasions where an employee's lack of capability could also be described as lack of competence. This Staff Disciplinary Policy and Procedure and the Trust's Capability Policy and Procedure may be used concurrently whilst the Trust endeavors to ascertain if the employee's lack of capability is due to misconduct, (for example, where the employee is capable of reaching the required standard but has taken active steps not to do so), or lack of competence.

There may be occasions where an employee's conduct could relate to their health. This Staff Disciplinary Policy and Procedure may be used concurrently with the Trust's Sickness Absence Policy and Procedure. In particular, if an employee is absent from work on sick leave following this Staff Disciplinary Policy and Procedure being invoked, the Trust may use its Sickness Absence Policy and Procedure if it is appropriate in the specific circumstances. The process of managing unsatisfactory behaviour using this Staff Disciplinary Policy and Procedure will not necessarily cease where the employee is absent on the grounds of illness.

There may be occasions when an employee brings a grievance pursuant to the Trust's Grievance Resolution Policy and Procedure in connection with actions taken under this Staff Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under this Staff Disciplinary

Policy and Procedure. In such circumstances, careful consideration will be given to whether or not the Staff Disciplinary Policy and Procedure should be suspended whilst the grievance is dealt with. The final decision as to whether or not to suspend the Staff Disciplinary Policy and Procedure in such circumstances will be taken by the Headteacher or the Chair (as appropriate) and their decision shall be final.

There may be occasions where this procedure needs to be modified, for example to comply with the requirements of the Trust's Safeguarding and Child Protection Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Trust board at appropriate stages or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the Trust's Safeguarding and Child Protection Policies are invoked, this Staff Disciplinary Policy and Procedure may be suspended until such time as the Trust determines, in its sole discretion, that it is appropriate to resume it.

This policy does not apply to redundancy, expiry of a fixed-term contract, or matters appropriately managed through another Trust procedure.

Where there is uncertainty about which procedure applies, the Trust will, in its sole discretion, determine the most appropriate process.

3. Principles

3.1 Fairness

Usually, an employee will be informed of the concerns or allegations and given a reasonable opportunity to respond before a formal disciplinary decision is made.

3.2 Timeliness

Matters should be addressed without unreasonable delay. Timescales are indicative rather than absolute. Complex cases, safeguarding matters, reasonable employee absence and/or other inability to engage in a formal process, witness availability or external investigations may reasonably require additional time to enable concerns to be properly investigated and addressed. Employees subject to this Staff Disciplinary Policy and Procedure will be updated in the event that the timescales under this policy are delayed.

3.3 Confidentiality

Insofar as legally required, disciplinary matters will be handled sensitively and confidentially. Information will be shared only with those who reasonably require it for the purposes of conducting the process under this policy or anything ancillary to it, to ensure that our safeguarding and/or legal obligations are met, and/or to enable the Trust to seek professional advice. Employees and witnesses are required to comply with their obligations relating to confidentiality.

3.4 Equality and reasonable adjustments

The Trust will comply with the Equality Act 2010. Reasonable adjustments will be considered where required to enable an employee to participate in the procedure under this policy.

3.5 No predetermined outcome

An investigation or decision to convene a disciplinary hearing does not mean that a decision on culpability has been made. The persons/panel charged with determining whether an employee has engaged in misconduct will approach the evidence collected objectively and with an open mind.

4. Informal Resolution

Most minor conduct concerns are best addressed promptly through ordinary line management arrangements. A manager may, for example, clarify expectations, discuss a concern(s), remind an employee of the Trust's expectations and required standards of conduct and professionalism, provide support, advice and/or guidance, identify relevant support or training, or seek to agree actions for improvement in conduct concerns. This list is not intended to be non-exhaustive.

Informal advice may be provided verbally or in writing but will always be noted in writing on personnel records. Where informal advice and guidance is provided verbally and noted on the personnel records employees will be provided with a copy of the note. The provision of informal advice and guidance may be referred to at a later stage to evidence that an informal approach was attempted and to demonstrate the success or failure of such an approach. Except in exceptional circumstances, records of the provision of informal advice and guidance will not be kept on record for longer than 6 months. The provision of informal advice and guidance is not a disciplinary sanction. Employees have the right to have their response to any informal advice and guidance provided, recorded in writing on their personnel records.

An informal discussion is not a formal disciplinary decision, hearing or sanction and will not, in and of itself result in a formal disciplinary warning.

5. Formal Resolution - Procedure

Formal disciplinary procedures may be appropriate where informal action has not resolved the concern, misconduct is repeated, an employee has failed to comply with reasonable management expectations, the matter is too serious to be addressed informally, or the alleged conduct could result in a formal disciplinary sanction such as a formal warning, or even dismissal without notice where the conduct may constitute gross misconduct.

The Trust is not required to exhaust informal measures before commencing a formal procedure and the decision whether to move to the formal procedure will be at the Trust's sole discretion.

6. Safeguarding Concerns and Allegations

Where an allegation concerns the safeguarding or welfare of a child or vulnerable group, the Trust's safeguarding procedures and current statutory safeguarding guidance must be followed. The Trust's Designated Safeguarding Lead, CEO, Chair of Trustees, Local Authority Designated Officer and/or other relevant statutory agency will be consulted as appropriate and in line with the requirements of those policies and procedures.

A disciplinary investigation must not compromise a safeguarding, criminal or other external investigation. Where necessary, the Trust may delay or modify its internal process following advice from the police, children's social care, LADO, another appropriate agency and/or its legal advisers.

The fact that an external agency decides not to pursue a matter raised about an employee does not automatically prevent the Trust from considering the matter under its disciplinary procedure, particularly where the individual's suitability to work with children and/or vulnerable groups is called into question.

7. Preliminary Assessment

Before commissioning a formal investigation, an appropriate manager may undertake a preliminary assessment to determine the nature of the concern, whether immediate safeguarding or protective action is necessary, whether the matter is likely capable of informal resolution, whether another Trust policy is more appropriate, and whether a formal disciplinary investigation is required. The manager may seek advice from HR.

A preliminary assessment is not a substitute for an investigation as it is not a detailed fact-finding exercise, but rather a review of the information immediately available to determine whether an investigation should be commissioned.

8. Investigation

Where an investigation is the appropriate next step the Trust will appoint an Investigating Officer. The Investigating Officer should, wherever practicable, have had no significant previous involvement in the matter and should not normally be the person, or form part of panel, who subsequently determines the disciplinary outcome.

The investigation should be reasonable and proportionate to the allegations. It may include interviewing the employee and witnesses, obtaining written statements, reviewing emails, records or other documents, examining relevant policies and procedures, considering CCTV, digital or other evidence where lawfully available, and obtaining and reviewing other relevant information.

The purpose of the investigation is to establish a fair and balanced view of the relevant facts. It is not to determine guilt or impose a disciplinary sanction.

The investigation should be carried out in a timely manner and where practicable concluded within a 20 working day period calculated from the date the investigation was commissioned. However, the amount of investigation required will depend on the nature of the allegations and will vary from case to case.

The Investigating Officer may appoint any other person from within the Trust or academy or an external third party to assist in the investigation.

The Investigating Officer will notify the employee in writing of the fact of the investigation, the allegations made, the terms of reference for the investigation and they will provide a copy of this Staff Disciplinary Policy and Procedure. The investigation will usually include a face to face interview with the employee apart from in exceptional circumstances. In the event of a face-to-face interview, the employee will usually be notified at least five working beforehand. Employees may provide a written statement or response to the Investigating Officer.

Employees must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.

9. Suspension and Alternative Arrangements

In cases where the Investigating Officer considers that it is appropriate, the Headteacher, or in the case of a decision regarding the suspension of the Headteacher or central team and executive leadership, the Chair may take the decision to suspend an employee for a period of up to ten working days.

Where the circumstances allow, the employee will be given the opportunity to attend a suspension meeting to respond to the recommendation to suspend before a decision is taken to suspend. This response should not be a response to the disciplinary allegations(s) but a response as to whether suspension is appropriate in the circumstances. The employee may be accompanied by a companion during the suspension meeting, where practicable.

A record will be kept of the determined purpose for the suspension for a period of up to 12 months and of any alternatives to suspension that were considered.

The Headteacher must inform the Chair of the suspension. Where it is the Headteacher, central team or executive leadership who has been suspended, the Chair must inform the Board (excluding any staff directors if there are any).

The period of suspension may be extended, subject to review by the Chair. The reason(s) for extending the suspension along with the length of the extension will be confirmed in writing as soon as is reasonably practicable following a decision to extend being made.

Only the Board may end a suspension.

Notification of suspension should ideally be undertaken in person but may, where the circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person it will be confirmed in writing.

ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:

(a) relationships have broken down;

(b) gross misconduct is alleged;

(c) there are reasonable concerns that evidence or witnesses could be prejudiced by the employee's presence during the investigation;

(d) there are responsibilities to other parties;

(e) it is necessary for the protection of pupils, staff or property; and/or

(f) the presence at work of the employee under investigation may be an obstacle to a proper investigation.

This is not an exhaustive list.

Suspension does not constitute a disciplinary sanction. It is a neutral act intended to ensure an effective investigation can take place. Employees will usually receive full pay and benefits during any period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence). Periods of suspension will be as brief as possible and will be kept under review. For periods of suspension lasting 20 working days or longer, they will be reviewed at least every 20 days.

During a period of suspension, the Trust may require that employees do not:

(a) attend the academy/place of work at any time (except with the prior agreement of the Headteacher or Chair);

(b) communicate in any way with parents, pupils, directors, governors or any other third party connected to the academy or the Trust except:

(i) with the prior written agreement of the Headteacher/Chair; or

(ii) where following an investigation they are called to a formal disciplinary hearing, when they may then approach parents, pupils, directors, governors or any third party connected to the Trust as potential witnesses but this must be done via the Investigating Officer to avoid any data breach or breach of confidentiality;

(a) discuss the fact of their suspension or the fact, or nature, of the allegations against them with any member of staff except:

(i) with the prior written agreement of the Headteacher/Chair;

(ii) for communication with their companion where their companion is a Trade Union representative;

(iii) where they are called to an interview with the Investigating Officer, a disciplinary hearing or a suspension meeting, when they approach a companion who is a colleague; or

(iv) where they are called to a formal disciplinary hearing they may approach work colleagues as potential witnesses in support of their case, but this must be done via the Investigating Officer to avoid any data breach or breach of confidentiality.

During periods of suspension, the Trust may suspend an employee's access to their email account and to the Managed Learning Environment (MLE)/Virtual Learning Environment (VLE).

During periods of suspension, the Trust may take such steps as are necessary to cover workload.

During any period of suspension an employee's contractual duties to the Trust (whether express or implied) remain in force and enforceable.

During periods of suspension, the Headteacher, or where it is the Headteacher, central team staff or executive leadership who has been suspended, the Chair, will appoint an appropriate member of staff/board member to act as a point of contact. This individual will not be able to discuss the disciplinary issue with the employee but will be responsible for keeping them informed of any relevant workplace developments and maintaining the relationship with the Trust.

10. Investigation Meeting

An employee invited to an investigation meeting will normally be told the nature of the matter being investigated, the purpose of the meeting, the date, time and arrangements, who will conduct the meeting, and that no disciplinary sanction will be imposed at the investigation meeting.

There is no general statutory right to be accompanied at a disciplinary investigation meeting. However, Veritas MAT will normally permit an employee to be accompanied by a recognised trade union representative or workplace colleague where reasonably requested (a "companion"). The Trust may also consider other appropriate support or adjustments where necessary.

The companion must not obstruct the investigation or answer factual questions on the employee's behalf.

11. Witnesses

Employees are expected to cooperate reasonably with Trust investigations. Witnesses should provide truthful and accurate information. Where a written witness statement is taken, the witness should normally be given an opportunity to check and confirm its accuracy.

The identity of witnesses may be disclosed to the employee who is the subject of the disciplinary process to ensure procedural fairness unless there is a lawful reason to withhold such information to comply with our obligations of confidentiality, for example. Anonymous evidence will usually be permitted on an exceptional basis, balancing the witness's reasons for anonymity against the employee's right to understand and respond to the case.

12. Investigation Outcome

- At the conclusion of the investigation, the Investigating Officer will produce an Investigation Report setting out, in detail, the allegations made in respect of the employee's conduct, the evidence considered and a recommendation that either:
- a disciplinary hearing be convened in accordance with this policy; or
- there is insufficient evidence to support the allegations of misconduct to proceed to a disciplinary hearing and no further action will be taken under this Staff Disciplinary Policy and Procedure; or
- a disciplinary hearing is not required despite evidence to support the allegations of misconduct, but informal advice and guidance should be issued to the employee in accordance with the informal process under this policy.

Employees will be notified of the outcome of the investigation in writing normally within ten working days of the investigation report.

13. Invitation to a Disciplinary Hearing

Where there is a case to answer, the employee will receive written notification of the outcome of the investigation normally within 10 working days of the investigation report and will be notified that a disciplinary hearing will be convened. The letter inviting the employee to the disciplinary hearing It will include the allegations, sufficient information to understand and respond to the case, possible sanctions including where dismissal is a potential outcome, the date/time/location, the identity of the hearing officer or panel, the right to be accompanied, the names of the witnesses and the evidence to be considered.

The Disciplinary Hearing will be held as soon as is practicably possible and usually withing 20 working days of the notification being issued to the employee. The employee will normally be given at least five working days notice of the Disciplinary Hearing.

14. Right to be Accompanied

At a formal disciplinary hearing and appeal hearing, an employee has the statutory right to be accompanied by a workplace colleague, a certified trade union representative, or an official employed by a trade union.

The Trust may consider reasonable requests for other arrangements where required as a reasonable adjustment or in exceptional circumstances. The companion may address the hearing, put and sum up the employee's case, respond to views expressed and confer with the employee, but may not normally answer questions on the employee's behalf or prevent others from contributing.

Where the chosen companion cannot attend the proposed hearing, the Trust will consider whether the hearing can be reasonably postponed. The Trust will not usually permit more than one postponement due to employee and/or companion unavailability.

15. The Disciplinary Hearing

The purpose of the hearing is to consider the allegations and evidence and give the employee a full and fair opportunity to make representations before a decision is made.

The agenda for a Disciplinary Hearing is set out below:

1. Introductions and explanation of the procedure.
2. Presentation of the management case.
3. Consideration of the evidence.
4. Questions to the Investigating Officer and/or management representative and/or witnesses.
5. The employee's representations.
6. Presentation of evidence by the employee.
7. Consideration of relevant witnesses.
8. Questions to the employee and/or their witnesses.
9. Opportunity for officer or panel determining the matter to ask any further questions.
10. Opportunity for both sides to summarise their position.
11. Adjournment to determine the matter.

The hearing officer or panel may adjourn at any point where further information or investigation is reasonably required.

16. Standard of Proof

The disciplinary process is an employment process and is not a criminal trial, even where the alleged misconduct may also amount to criminal conduct, if proven. Decisions will be made on the balance of probabilities, having considered the evidence reasonably available. The decision-maker must consider whether, on the evidence reasonably available, it is more likely than not that the alleged misconduct occurred.

17. Factors to Consider

The Disciplinary Hearing will consider the following, non-exhaustive, factors when making a determination:

- the nature and seriousness of the misconduct;

- the evidence available;
- the employee's explanation and any relevant mitigation advanced by the employee;
- the employee's disciplinary record;
- the employe's length of service, where relevant;
- whether the employee has demonstrated insight, shown remorse or taken remedial action;
- consistency with previous comparable cases, recognising no two cases are identical;
- the employee's role, level of responsibility and obligations placed on the employee under their contract of employment and our policies, particularly where relevant to their role;
- whether the employee has breached, or otherwise acted in such a way, to compromise, ours or their safeguarding responsibilities;
- the impact of the misconduct upon pupils, colleagues, the Trust or Trust property;
- whether training, support or another intervention would be an appropriate outcome in all the circumstances; and
- whether the proposed sanction is reasonable and proportionate, taking into account the employee's previous disciplinary record as appropriate.

18. Possible Outcomes

The possible outcomes available to the person/panel determining the Disciplinary Hearing include:

- no disciplinary action;
- management advice or guidance;
- a first written warning;
- a final written warning;
- dismissal with the higher of contractual or statutory notice, whether paid in lieu of worked notice or otherwise;
- summary dismissal without notice or payment in lieu of notice in cases of gross misconduct; or
- another appropriate contractual outcome where legally and contractually permissible such as voluntary demotion (e.g. where the person/panel determining the Disciplinary Hearing considers that a recent promotion or job change has been a contributory factor in the employee's misconduct).

Dismissal will only be authorised by a person or panel with delegated authority to dismiss.

19. First Written Warning

A first written warning will normally state the misconduct established, the required standard of conduct, any action required, the consequences of further misconduct, how long the warning will remain active, and the right of appeal.

A first written warning will normally remain live for six months, although a different reasonable period may be determined.

20. Final Written Warning

A final written warning may be appropriate where there is further misconduct committed and/or discovered while a relevant warning remains active (even if the misconduct is different in its nature), or the misconduct is

sufficiently serious to justify a final written warning even where there is no live warning on the employee's record.

The final written warning will confirm that further misconduct committed and/or discovered during the warning period may result in dismissal. A final written warning will normally remain live for 12 months, although a different reasonable period may be determined.

21. Dismissal on notice

Dismissal on contractual notice may be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live final written warning (even if the final written warning related to a different type of misconduct, if appropriate in the circumstances).

For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

In the event that employment is terminated in accordance with this section:

(a) if the employee's contract of employment contains a garden leave clause the Trust may exercise that clause so that the employe is not required to attend their place of work during the notice period but remain employed and so bound by the terms of their contract of employment until the expiry of the notice period; or

(b) if the employee's contract of employment contains a payment in lieu of notice clause the Trust may exercise that clause to bring their contract to an end with immediate effect.

22. Gross misconduct - Dismissal without notice or termination payment

Dismissal without notice or termination payment (also known as Summary Dismissal) will only occur if the employee has committed an act of gross misconduct or otherwise has destroyed the trust and confidence required between an employee and their employer, in this case between the employee and the Trust. For the avoidance of doubt, where appropriate, dismissal without notice or termination payment may occur regardless of previous disciplinary history.

For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

- The following is a non-exhaustive list of matters which the Trust considers may amount to gross misconduct.: Conduct that is likely to bring the Trust and/or the academy into disrepute;
- Conduct giving rise to any Child Protection issue including, but not limited to, a change in DBS status during the course of employment;
- Failure to disclose DBS status/submit to a DBS check where requested to do so by the Headteacher and/or the Trust;
- Theft, fraud and/or dishonesty;
- Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not;
- malicious or wilful damage to any property;
-
- violence;
- Abusive, threatening or offensive language or behaviour to any person.
-

- bullying, harassment, discrimination or victimisation of any person;
- serious safeguarding breaches or serious inappropriate conduct towards a child;
- serious breach of any relevant code of conduct or professional standards;
- serious breach of professional boundaries;
- Supplying personal contact details to a pupil without express authorisation from the Headteacher.
- Interacting with a pupil out of school hours other than through the Managed Learning Environment.
- Making any sexual or romantic contact with any pupil whatever the age of the pupil.
- Unlawfully restraining a pupil;
- Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent.
- Concealing any actual or attempted cheating by any pupil or colleague, including participating in or concealing any actual or attempted exam misconduct.
- serious negligence causing or risking significant harm;
- serious or deliberate breach of health and safety requirements;
- serious insubordination;
- breach of confidentiality or data protection requirements;
- misuse of confidential information including deleting, modifying, misusing or removing data and/or confidential information belonging to the Trust/academy without authorization;
- Covert recording of any meetings without the knowledge or consent of all persons present.
- misuse of Trust IT systems or inappropriate material including viewing or distributing obscene, pornographic, defamatory or otherwise unacceptable material;
- serious misuse of Trust property or funds;
- ordering any goods or services on behalf of the Trust and/or the academy from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Board.
- being under the influence of alcohol or illegal substances at work and/or when undertaking duties;
- serious breach of key Trust policies;
- Serious negligence (whether or not leading to any actual loss);
- Criminal activity during the course of employment.
- conduct outside work which has a sufficiently serious impact upon suitability for the role or the employment relationship;
- Making a false, malicious or vexatious allegation against the Trust, the academy, a parent, pupil, colleague, director or governor;
- Repeated acts of less serious misconduct which collectively may amount to gross Misconduct.

This list is illustrative and not exhaustive.

23. Formal Outcomes in Writing

The employee will be informed of the outcome of the Disciplinary Hearing in writing normally within five working days. The outcome will explain the decision reached by the person/panel at the Disciplinary Hearing, the findings, any sanction and the duration, where relevant, the standards of conduct expected, as appropriate, the consequences of any further misconduct committed or discovered during the warning, if appropriate, and the employee's right of appeal.

Where the outcome is dismissal, the employee will also be informed of the effective date of termination and relevant notice arrangements, if relevant.

24. Criminal Allegations and Conduct Outside Work

An employee will not automatically be disciplined because they have been arrested, charged with or convicted of a criminal offence. The Trust will consider whether the alleged conduct has a bearing on employment, safeguarding, suitability to work with children or vulnerable groups, ability to continue to perform their role, professional responsibilities, relationships with colleagues, pupils, parents and carers, the risk to reputation and/or the legitimate interests of the Trust and its academies. This list is non-exhaustive and the Trust reserves the right to take into account any other reasons where an employee is subject to criminal allegations and/or allegations relating to conduct outside of work.

The Trust reserves the right to take appropriate steps under this policy, and any other workplace policy, statutory requirement or on regulatory or professional advice, independently of criminal proceedings.

25. Failure to Attend Meetings

Employees and their companions, where relevant, are expected to make reasonable efforts to attend meetings arranged under this procedure. Where an employee and/or their companion are unable to attend a meeting/hearing for a genuine reason, the Trust will consider reasonable alternatives, such as virtual attendance, reasonable postponement, written submission etc.

Where an employee unreasonably fails or refuses to attend without good reason, the Trust may proceed with the procedure under this policy and make a decision on the evidence available, having considered any issues raised by the employee and the evidence available, including reasonable adjustments and alternative arrangements.

26. Sickness Absence During a Disciplinary Process

Sickness absence will not automatically pause a disciplinary process. The Trust will consider the individual circumstances and may seek occupational health advice to consider:

- postponing a meeting for a reasonable period;
- shorter meetings or additional breaks;
- remote participation;
- written representations;
- alternative venues;
- additional support; or
- other reasonable adjustments.

The objective is to balance the employee's health and ability to participate fairly with the need to resolve matters without unreasonable delay.

27. Appeals

An employee may appeal against a formal disciplinary sanction. The employee should submit the appeal in writing, to Governance Professional within five working days of receiving the written outcome of the Disciplinary Hearing, identifying the grounds relied upon from the following:

- a significant procedural irregularity;
- relevant evidence not reasonably available at the original hearing;
- an unreasonable finding based on the evidence; or
- a sanction considered disproportionate.

The Appeal Panel may consider any relevant new evidence produced by the employee which was not available to the Disciplinary Hearing.

The Appeal Panel may only consider new evidence produced by the management case if it touches upon the employee's reliability in relation to evidence they have already given or if it rebuts any new evidence produced, or any assertions made, by the employee in their grounds of appeal.

The Appeal Panel will confirm the outcome of the Appeal Hearing in writing normally within 5 working days of the date of the Appeal Hearing. The decision of the Appeal Panel is final and there will be no further right of appeal.

The Appeal Panel will include a Trustee not previously involved in the case, who will be Chair and up to two other members.

The potential outcomes of the Appeal Meeting are that:

(a) the Appeal Panel may uphold the decision of the Disciplinary Hearing and any formal disciplinary sanction imposed by the Disciplinary Hearin will be upheld; or

(b) the Appeal Panel may uphold the appeal and overturn the decision of the Disciplinary Hearing and any formal sanction imposed by the Disciplinary Hearing will be overturned; and/or

(c) the Appeal Panel may impose a lesser formal disciplinary sanction to that imposed by the Disciplinary Hearing.

Should an appeal against dismissal be successful, the employee will be reinstated with no break in continuous service.

28. Authority and Delegation

The Trust Board delegates its authority in the manner set out in this policy.

28.1 Authority to Act

School-based staff including Teachers and Support Staff

The investigation will be conducted by an Investigating Officer. The Investigating Officer will be the Headteacher, a senior leader, another Trust Headteacher or another suitable person appointed by the Trust.

The Headteacher, acting on delegated authority, may issue written and final written warnings to school based staff.

Where there is a risk of dismissal, the Disciplinary Hearing will be conducted by a panel made up of, usually, three members, which can include Governors, Trustees and Senior Leadership Staff in the Trust, to be appointed by the Trust. The Disciplinary Hearing panel will have no previous involvement in the matters under determination.

The appeal will be conducted by an Appeal Panel which will be made up of a panel of up to three members, which can include Governors, Trustees and Senior Leadership Staff in the Trust, to be appointed by the Trust. The Appeal Panel will have no previous involvement in the matters under determination.

School senior leaders.

Investigation may be undertaken by the Headteacher, another Trust Headteacher, or another suitably appointed Investigating Officer.

Written warnings may be issued by the Headteacher; final written warnings by the Headteacher.

Dismissal may be determined by a panel of usually three members which can include Governors, Trustees and Senior Leadership Staff in the Trust.

An appeal will be heard by the constituted panel with no previous involvement. The panel will normally include up to three members which can include Governors, Trustee and Senior Leadership Staff in the Trust.

Headteachers.

Investigation may be undertaken by the CEO, another suitably senior independent person or an external Investigating Officer. Written and final written warnings may be issued by the CEO.

Dismissal may be determined by a panel usually up to three members which can include Governors, Trustees and Senior Leadership Staff in the Trust.

An appeal will be heard by a panel with no previous involvement. This would normally include Governor, Trustee or suitably senior independent person or an external of appropriate seniority.

Central Team staff below senior leadership level.

Investigation may be undertaken by an appropriate senior Trust leader, Headteacher or other suitably appointed Investigating Officer. Written warnings may be issued by the relevant senior manager or CEO.

Dismissal may be determined by a panel of usually three members which can include Governors, Trustees and Senior Leadership Staff in the Trust.

An appeal will be heard by the constituted panel with no previous involvement. The panel will normally include up to three members which can include Governors, Trustee and Senior Leadership Staff in the Trust.

Senior Central Team staff reporting directly to the CEO.

Investigation may be undertaken by the CEO or a suitably independent Investigating Officer. Written and final written warnings may be issued by the CEO.

Dismissal may be determined by a panel of usually three members which can include Governors, Trustees and Senior Leadership Staff in the Trust.

An appeal will be heard by the constituted panel with no previous involvement. The panel will normally include up to three members which can include Governors, Trustee and Senior Leadership Staff in the Trust.

28.2 Investigation

An investigation will normally be undertaken by a single Investigating Officer. The Investigating Officer may be supported by an HR adviser and/or note taker. Their role is to establish the facts, gather and consider relevant evidence, interview appropriate witnesses and provide an investigation report recommending next steps, including whether a disciplinary hearing should be convened. The Investigating Officer will not determine whether a disciplinary sanction should be imposed.

Where there is a case to answer, the matter will be referred to an appropriately authorised disciplinary decision-maker or panel.

28.3 Disciplinary Hearings

For disciplinary matters that are unlikely to result in dismissal, the hearing will normally be conducted by a single appropriately authorised manager.

Where dismissal is a potential outcome, the Trust may appoint either an appropriately authorised individual or a panel of up to three appropriately authorised persons, having regard to the seniority of the employee, the seriousness and complexity of the allegations, the need to ensure impartiality, the Trust's Scheme of Delegation and the need to retain appropriately independent individuals to hear any subsequent appeal.

The person or panel conducting the disciplinary hearing will not normally have undertaken the investigation. An HR adviser may attend to provide procedural and employment advice but will not determine the outcome.

28.4 Dismissal

A decision to dismiss may only be made by a person or panel to whom the Trust Board has delegated authority to dismiss the employee concerned. Where dismissal is a possible outcome, this will be made clear to the employee in advance of the disciplinary hearing.

28.5 Appeals

An employee has the right to appeal against any formal disciplinary sanction. An appeal will be heard by a person or panel who has had no previous material involvement in the case, is appropriately senior and/or authorised to determine the appeal, and is able to consider the appeal impartially.

Where the original decision was made by a Trustee panel, the appeal will normally be considered by a separate panel of Trustees who have had no previous involvement in the case. The appeal decision will be final.

28.6 Conflicts of Interest and Alternative Arrangements

Where the normal decision-maker is implicated in the matter, has a conflict of interest, has had significant prior involvement or is otherwise unable to act impartially, the Trust may appoint an alternative appropriately senior individual, Trustee, panel or external person.

The Chair of Trustees, or Vice-Chair where the Chair has a conflict of interest, may determine the appropriate arrangements in consultation with the Trust's HR adviser and Governance Professional

28.7 Chief Executive Officer

Any disciplinary allegations concerning the CEO will be referred to the Chair of Trustees. The Chair will arrange for an appropriately independent investigation. For serious allegations, the Trust will normally appoint an external Investigating Officer.

Where the investigation establishes a case to answer, a disciplinary hearing will normally be conducted by a panel of three Trustees who have had no material prior involvement in the investigation. Any appeal will be considered by a separate panel of Trustees who have had no previous involvement in the matter.

Where the Trust does not have sufficient eligible Trustees to constitute an impartial disciplinary or appeal panel, the Board may appoint appropriately experienced independent persons to the panel.

29. Role of Professional Advice

The Trust reserves the right to seek expert HR professional advice and procedural support throughout a disciplinary process, including advice on procedure, consistency, employment law and policy, and the range of potential outcomes. The decision remains the responsibility of the person or panel with delegated authority.

30. Records and Data Protection

The Trust will maintain appropriate records in accordance with applicable data protection requirements and data retention arrangements. Records may include allegations, investigation material, meeting notes, correspondence, decisions, warnings and appeal documentation. Information will be processed in accordance with our data protection and UKGDPR obligations.

31. Professional Referrals

Nothing in this policy prevents or replaces a statutory or professional duty to make a referral to an external body. Where appropriate, the Trust will consider whether a referral should be made to the Disclosure and Barring Service, Teaching Regulation Agency, Local Authority Designated Officer, police, children's social care or any another relevant statutory or regulatory body. The Trust is under no obligation to seek employee consent to such a referral.

32. Trade Union Representatives

Where disciplinary action is contemplated against an accredited trade union representative, the normal procedure will apply. The Trust recognises the particular sensitivities and will follow applicable employment law and good practice concerning consultation with an appropriate trade union official, with the employee's agreement where required.

33. Confidentiality and Communication

Employees involved in a disciplinary procedure should not discuss confidential details outside of the permissible disclosures referred to in this possible. Nothing in this policy prevents an employee from seeking trade union, legal or professional advice, accessing wellbeing support, making a protected disclosure, reporting to an appropriate regulator or statutory authority, or exercising another legal right.

Employees and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, whether these meetings or hearings are conducted in person, by telephone, or using remote working platforms or technologies.

34. Relationship with Other Trust Policies

This policy should be read alongside the Safeguarding and Child Protection Policy, Staff Code of Conduct, Capability Policy, Grievance Policy, Whistleblowing Policy, Equality Policy, Absence Policy, Health and Safety Policy, Data Protection Policy, Acceptable Use/IT Policy and Scheme of Delegation. Where procedures overlap, the Trust will determine the most appropriate and fair way to proceed and in accordance with the provisions of this policy.

35. Monitoring and Review

The Board of Trustees has strategic oversight of this policy. The CEO is responsible for ensuring appropriate arrangements for implementation across the Trust. The Board should not ordinarily become involved in individual operational disciplinary matters unless required under the Scheme of Delegation or this policy, helping preserve impartiality for any Trustee hearing or appeal.

The policy will be reviewed annually or earlier following significant changes to employment legislation, the Acas Code of Practice, statutory safeguarding guidance, Department for Education requirements, Trust governance arrangements or any other applicable requirements.

Appendix 1. Disciplinary Process at a Glance

CONCERN ARISES	Preliminary assessment
CAN IT REASONABLY BE RESOLVED INFORMALLY?	Yes: management discussion, expectations/support agreed and reviewed. No: formal investigation commissioned.
INVESTIGATION	Gather relevant evidence, interview as necessary and record findings.
IS THERE A DISCIPLINARY CASE TO ANSWER?	No: no further action / informal management action / alternative procedure. Yes: formal disciplinary hearing.
HEARING	Allegations and evidence provided, reasonable preparation time, right to be accompanied, employee responds, decision-maker considers all evidence.
OUTCOME	No action / management guidance / first written warning / final written warning / dismissal or other lawful and appropriate outcome.
APPEAL	Impartial person or panel wherever practicable; written final decision.