



Carlton Academy Trust Staff Disciplinary Policy

Ratified Date:	Sept 2020
Signed on behalf of Trustees:	R Butterfield
Signed on behalf of CEO:	A Kneeshaw
Review Date:	Sept 2021

Aims and Purpose

This policy sets out the procedures which will be taken when employees fail to meet the standards expected of them. It applies to all employees irrespective of position, length of service or whether full or part time. Employees should familiarise with this policy, their terms and conditions of employment and the conduct required of them.

Stage 1: Informal discussion

Where relevant and possible, the trust will aim to resolve disciplinary issues informally. This will normally involve cases of minor misconduct or unsatisfactory performance.

This is a dialogue, where the Trust will be able to inform the employee of concerns relating to conduct and/or performance, whilst at the same time provide the employee with the opportunity to provide an explanation. The resolution will typically be no further action or a 'Management Instruction'.

Stage 2: Disciplinary Investigation

More serious allegations will require an investigation. This will involve the collection of evidence by an Investigating Officer appointed by the trust, typically comprising witness statements as well as other evidence. This evidence should be collected at the earliest reasonable opportunity which will be used to determine whether a disciplinary hearing is needed.

Written notice of intended disciplinary hearing

If it is decided that there is a disciplinary case to answer, the trust will provide the employee with at least 5 working days written notice informing them that this constitutes the first stage of the formal disciplinary procedure and outline:

- The alleged misconduct or poor performance and possible consequences of these.
- Time and venue of the disciplinary hearing.
- Notice of the employee's statutory right to be accompanied by a trade union representative or trust employee not involved in the disciplinary case.

If the employee is unable to attend the hearing at the agreed time, the trust may offer an alternative time and date, which will usually be within 5 working days of the original date. If the employee fails to attend a rearranged hearing, the trust has the discretion to hear the case in their absence if they feel their failure to attend is not reasonable. In these cases, the decision will be communicated to the employee afterwards in writing

Stage 3 – Hearing

Before attending a disciplinary hearing, the employee will be provided with copies of documentary evidence collated at the investigation stage. Where either party intends to call a witness/es, they should provide five working day's advance notice of this, with copies of any evidence they intend to present at the hearing.

At the hearing, the trust will present their case, with the employee then being given the opportunity to respond and present their own evidence and case.

If the hearing finds there has been mis-conduct or poor performance, there are the following possible sanctions:

Verbal Warning - The warning will include details as to the improvement required, time-scales for such improvement, details of any support available and that failure to improve will result in a Written Warning'. The employee's right of appeal will also be confirmed in writing. A record of this warning shall be kept on file for the specified period and thereafter discontinued subject to satisfactory conduct and/or performance.

Written Warning – A Written Warning will set out the complaint and detail that further misconduct or a failure to improve performance will result in a 'Final Written Warning'. It will outline the improvement required, timescales for such improvement and details of any support that will be made available. The employee's right of appeal will also be confirmed in writing. A record of this warning shall be kept for the specified period and shall be discontinued thereafter subject to satisfactory conduct and/or performance.

Final Written Warning - If the misconduct and/or poor performance is sufficiently serious, or there has been further misconduct or a failure to improve since a previous formal warning, the trust may issue a 'Final Written Warning'. This will outline the misconduct/poor performance, improvement required, the timescale for such improvement and details of support available. It will also warn that failure to improve may lead to dismissal or some other contractual penalty such as demotion. The employee's right of appeal will be confirmed in writing. The warning will be kept on file for the specified period, and discontinued subject to satisfactory conduct and/or performance.

Dismissal / Other Penalty – This may occur when the misconduct and/or poor performance is serious enough, or there has been a failure to improve or further incidents of misconduct and/or poor performance since a Final Written Warning was issued. The trust may dismiss the employee or take some other action short of dismissal such as demotion or disciplinary suspension without pay. The employee will be provided with details in writing of the reasons for the sanction, when that sanction will be implemented, and their right of appeal. In cases of gross misconduct, the trust may decide to dismiss without notice.

Appeal

An appeal should be made in writing within 5 working days of the disciplinary decision. The employee must inform the trust as to the grounds for appeal in writing and may be accompanied to the appeal hearing.

The trust will hear the appeal without unreasonable delay and where possible by a leader of at least equal seniority as the original hearing and not previously involved in the case. The outcome will be confirmed in writing within five working days. There is no further right of appeal following this stage.

Gross Misconduct

The following non-exhaustive list gives examples of offences that the trust may regard as gross misconduct:

1. Dishonest acts and deliberate falsification of records which result in or could result in serious consequences.
2. Falsification of qualification which are a stated requirement of employment or which resulted in financial gain
3. Serious insubordination
4. Conduct that is a serious abuse of position
5. Bringing the Trust into serious disrepute or causing a serious loss of confidence in the trust/MAT
6. Theft or fraud
7. Undertaking other paid employment whilst receiving sick pay or other benefits from the trust during a period of sickness or unauthorised absence without prior agreement
8. Deliberate disregard of the trust's financial procedures and rules
9. Physical or verbal assault or violence
10. Deliberate and serious damage to trust property
11. Unauthorised removal of trust property
12. Serious breach of health and safety rules and/or regulations
13. Breach of Equal Opportunities Policy with offensive or abusive behaviour towards others, including harassment, bullying or victimisation
14. Making defamatory, slanderous or libelous statements in the course of employment or could be linked to employment at the trust.
15. Being unfit for duty through use of illegal substances or alcohol in circumstances where it could constitute a health and safety hazard or be in breach of a position of responsibility
16. Loss of confidential or sensitive data or expensive equipment through negligent behaviour
17. Deliberately accessing internet sites containing pornographic, offensive or obscene material
18. Criminal offences committed at work
19. Criminal offences and other conduct outside employment which would prevent an employee from continuing to do their job or which affects their suitability to perform their work or is liable to damage the Trust
20. Serious negligence which causes or might cause unacceptable loss, damage or injury
21. Serious breach of confidence (subject to the Public Interest (Disclosure) Act
22. Serious Breach of the General Data Protection Regulation and or Data Protection Act 2018

Suspension

In some circumstances, an employee may be suspended from work on full pay pending the outcome of an investigation. Investigations should be concluded as soon as reasonably possible so that the period of suspension is not unduly extended unless justified by the specific circumstances. Suspension is a neutral action that enables an unhindered investigation process.

Referrals to external bodies

In cases in which employees are dismissed or resign during a disciplinary process, a referral to the appropriate regulatory body, for example the Disclosure and Barring Service and the Secretary of State, will be made when the thresholds for referral are met.