



**CARLTON**  
ACADEMY TRUST

## **Carlton Academy Trust Staff Disciplinary Policy**

**Approved on behalf of Trustees:**

**Roger Butterfield**

**Date:**

**September 2023**

**Next Review Date:**

**September 2024**



## **Glossary**

CEO: Chief Executive Officer  
COT: Chair of Trustees  
HOS: Head of School

## **Policy Aims**

This policy sets out the procedures when employees fail to meet the expected professional standards. It applies to all staff, irrespective of length of service or contract.

## **Disciplinary Stages**

### **Informal Discussion**

Where possible and appropriate, it is advisable to resolve disciplinary issues through an informal discussion. Sanctions at this stage, where appropriate, are limited to Management Instructions.

More serious disciplinary breaches must be dealt with through the formal disciplinary process, which has the following stages:

### **Stage 1: Investigation**

More serious allegations will be explored through an appointed Investigating Officer, who will be a senior leader appointed by the school/trust. They will interview and take statements from witnesses, which will be collated along with all other evidence. Investigations should be completed at the earliest reasonable opportunity and determine whether a disciplinary hearing is needed.

### **Stage 2: Hearing**

Employees will be provided with at least five working days' notice of the hearing date, time, and venue along with confirmation of:

- The alleged misconduct and potential consequences.
- Their statutory right to be accompanied by a trade union representative or colleague with no involvement in the case.

Where the employee is unable to attend, they will be offered an alternative date. Wherever possible, this will be within five working days of the original date. If the employee fails to attend the second hearing, it can be heard in their absence. The employee will be notified of this and will be given the opportunity to make written representations. Where a decision is made to have a hearing without the employee being present, this will be formally confirmed and communicated to them in writing.

At hearings, the employee will be given the opportunity to challenge and respond to the allegations presented by the school/trust.

Any evidence or witness/es either party intends to use at the hearing must be fully disclosed and shared at least two working days in advance of the hearing.

## **Sanctions**

The following sanctions may be applied when misconduct is found:



**Verbal Warning:** The employee will be formally informed in writing of:

- Expected improvements and timescales.
- Support provided, where relevant.
- Possible future consequences should this behaviour continue (written warning).
- Their rights of appeal.

Details are retained on personnel files for an appropriate period and removed subject to satisfactory conduct.

**Written Warning:** The employee will be formally informed in writing of:

- Details of the misconduct.
- Improvement required and timescales.
- Support provided, where relevant.
- Possible future consequences should this behaviour continue (final written warning).
- Their rights of appeal.

Details will be retained on personnel files for an appropriate period and removed subject to satisfactory conduct.

### **Final Written Warning**

Are issued for serious individual incidents or for further incidents since a previous written warning. This employee will be formally informed in writing of:

- Details of the misconduct.
- Improvement required and timescales.
- Support provided, where relevant.
- Possible future consequences should this behaviour continue (dismissal or demotion).
- Their rights of appeal.

Details will be retained on personnel files for an appropriate period and removed subject to satisfactory conduct.

### **Dismissal or Demotion**

Dismissal or demotion are sanctions used for gross misconduct or when there has been continued misconduct following a final written warning. Where applied, the employee will be formally informed in writing of the misconduct, reasons for the sanction, and their rights of appeal. Where gross misconduct is found, the trust may dismiss without notice.

Any hearing where dismissal or demotion may be considered must be chaired by the CEO or other senior trust leader delegated this responsibility.

### **Appeals**

Appeals should be made in writing within five working days of formal notification of the disciplinary sanction. They must outline valid grounds for appeal which must be one or more of the following:

- New evidence has been found.
- Evidence was not fully considered at the initial hearing.
- Serious failure to follow procedure.



When granted, an appeal hearing must be held in a timely manner without undue delay.

- Where the initial decision was made by the HOS, an appeal will be heard by the CEO or other senior trust leader delegated this responsibility.
- Where the initial decision was made by a senior trust leader, an appeal will be heard by the CEO.
- Where the initial decision was made by the CEO, an appeal will be heard by the COT.

At least five working days' notice of the hearing will be provided, where the employee may be accompanied by a trade union representative or work colleague to support or assist them.

An appeal may be upheld, partially upheld, or rejected and formally communicated in writing within five working days of the hearing. There is no further right of appeal after this stage.

### **Gross Misconduct**

Following is a non-exhaustive list of acts that may constitute gross misconduct:

- Dishonest acts or deliberate falsification of records which result in or could result in serious consequences.
- Falsification of qualifications which are a requirement of employment or resulted in financial gain.
- Serious insubordination.
- Serious abuse of position.
- Bringing the school/trust into serious disrepute or incur reputational damage.
- Theft or fraud.
- Undertaking other paid employment whilst receiving sick pay or other benefits from the trust without prior agreement.
- Deliberate disregard of the trust's policies, procedures, or rules.
- Physical assault, threats of violence, serious verbal assault.
- Serious damage to trust property through deliberate or negligent behaviour.
- Unauthorised removal of trust property.
- Serious breach of health and safety policies, rules, or regulations.
- Offensive or abusive behaviour towards others, including harassment, bullying or victimisation.
- Making defamatory, slanderous, or libelous statements in the course of employment or could be linked to employment with the trust.
- Being unfit for duty through use of illegal substances or alcohol where it could constitute a health and safety hazard or in breach of a position of responsibility.
- Loss of confidential or sensitive data or equipment through deliberate or negligent behaviour.
- Deliberately accessing internet sites containing pornographic, offensive, or obscene material.
- Criminal offences committed within or outside work which would prevent an employee from continuing to do their job, their suitability to perform their work, or is liable to damage the reputation of the school/trust.
- Serious negligence which causes or might cause unacceptable loss, damage, or injury.
- Serious breach of confidence.
- Serious breach of data protection policies, procedures, or regulations

### **Suspension**

Employees may be suspended from work on full pay pending the outcome of a disciplinary investigation. Although suspension is a neutral act, it should only be used in the most serious cases involving alleged gross misconduct as prolonged absences through suspension can make it difficult for an employee to return to work. For this reason, investigations should be concluded without delay.

