Disciplinary Policy (Staffordshire Schools)

Signed:

Chair: S. Gribbin

CEO: L. Jackson

Date: 24th October 2024

Review date: October 2027

Collective Vision Trust
Disciplinary Policy (Staffordshire Schools)

The purpose of this policy and procedure is to set out the standards of conduct expected of our colleagues and to ensure that all disciplinary matters are dealt with fairly and consistently. This procedure does not deal with performance or sickness absence issues. These are dealt with in our Performance Improvement and Managing Attendance at Work policies.

Any reference to 'the employer' refers to Collective Vision Trust. The 'appropriate level of authority' should be determined according to the employer's decision making structure. This policy applies to employees of the employer, referred to in this policy as colleagues.

The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions.
The procedure does not apply once you have left the employer.

1. General Principles

All managers have a duty to ensure that they and all the colleagues they are responsible for are aware of, and comply with, the employer's policies and procedures. Managers are also responsible for making sure that colleagues know when they are not achieving or maintaining the expected standards of conduct or behaviour.

All colleagues have a responsibility to be aware of and conduct themselves in line with the employer's policies, the law and maintain acceptable standards of conduct and behaviour. Where relevant, colleagues must adhere to codes of practice or standards associated with their profession or trade must also be adhered to. Colleagues must also cooperate with disciplinary investigations as required.

The aim of the procedure is to set out and maintain the required standards of conduct and encourage improvement.

We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure in line with our equal opportunities commitment.

2. Acceptable Behaviour and Conduct

The relevant code of conduct provides colleagues of the employer with an effective ethical framework within which to work and it provides the public with confidence that you are working on their behalf in an appropriate manner.

The employer expects all colleagues to meet high standards of behaviour and conduct, including the relevant code of conduct. Examples of the types of expected standards of behaviour are detailed in this policy.

3. Minor Conduct Issues and an Informal Approach

For minor conduct issues, your manager will adopt an informal approach to help, guide or advise you in improving your conduct. Your manager will only consider dealing with minor disciplinary breaches through the formal stages of the procedure if your misconduct continues or the misconduct is too serious to be dealt with informally.

Cases of minor misconduct are usually best dealt with informally and confidentially. A conversation about the concerns and resolutions is often all that is required to improve your conduct. In some cases your manager may decide that additional training, coaching and advice may be what is needed.

Where a manager has a concern about your conduct they will organise an informal meeting to discuss the concern. The purpose of any informal meeting is to improve your conduct, to identify and examine any areas of concern and to provide a reasonable opportunity for you to respond. For example where it is appropriate to question the factual accuracy of any concern that has been identified. You and your manager must ensure that you understand any future expectations of your conduct and, where appropriate, to develop an action plan leading to improvements in your conduct. Although this may result in a note of the discussion and any follow-up correspondence being kept by your manager on your personal file, there will be no note made on your disciplinary record. You will be asked to confirm that you agree that any action plan you are signing up to is achievable and realistic and should raise any concerns that you have about the action plan with your manager.

Where the behaviour causing concern may be related to an underlying relationship issue, it may be appropriate to consider an independent third party, such as a mediator, to help resolve the situation rather than disciplinary action.

In the event that the matter cannot be resolved informally or the matter is too serious for the informal approach to be applied, then the formal disciplinary process will follow. Although the stages of the disciplinary process will normally be followed sequentially the employer may enter the process at any stage depending on the seriousness of the matter.

No formal disciplinary action will be taken unless or until the allegations have been fully investigated.

4. Link with Other Policies and Procedures

Grievance Policy – Where you submit a complaint during disciplinary proceedings, this will not normally stop the proceedings from progressing. Where you raise a grievance during disciplinary proceedings:

- The disciplinary proceedings may be temporarily suspended in order to deal with the grievance or
- The grievance and disciplinary may be run concurrently where they are related.

Where you assert that disciplinary proceedings being undertaken are unlawfully discriminatory or are motivated by reasons other than misconduct, you can raise a grievance.

Managing Attendance at Work Policy - Where you are absent due to sickness whilst a disciplinary matter is pending, the managing attendance at work procedure will apply as normal. However those responsible for keeping in touch would not normally be the same people involved in the handling of your case. Under these arrangements due regard will be had for what is said by Occupational Health and any information you may wish to provide from your GP. We will arrange for you to see Occupational Health as soon as possible for them to assess your health generally and whether or not you are fit to participate in these procedures. Being absent from work due to sickness will not automatically stop the disciplinary procedure progressing.

5. Formal Disciplinary Process

Prior to any formal disciplinary decision being made, the following steps will be taken:

- An investigation will be carried out in accordance with the Investigation Procedure. If allegations have been made against you, you will be notified of the nature of the allegations that are to be investigated prior to the investigation meeting. The amount of investigation involved will vary depending on the allegations in question and the circumstances of the case. Investigations will be dealt with as confidentially as is reasonably practicable and sensitively, in line with the Investigations Procedure.
- If following investigation it is reasonably believed that there are grounds for disciplinary action, you will be required to attend a disciplinary hearing.
- You will be invited to the hearing in writing in accordance with the Formal Meeting/Hearing Procedure.
- You will be provided with written details of the allegations against you to be presented to you at the hearing writing at least 10 working days before the meeting/hearing.
- You must provide copies of any relevant evidence you intend to refer to, at least 3 working days before the hearing.
- At the hearing the case against you will be explained and you will have the opportunity to respond to the allegations.

6. Right to be Accompanied

You have the right to be accompanied by a companion at any meeting as part of the investigatory or formal disciplinary procedure. The companion may be a fellow colleague, a trade union representative or an official employed by a trade union.

The companion is allowed to address the hearing, to put and sum up your case, respond on your behalf to any views expressed at the meeting and confer with you during the hearing. They may also request an adjournment and ask questions of anyone present. The companion does not, however, have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the employer from explaining their case. Other than confirming that all parties have the same documentation it would not normally be necessary to read out the content of the documentation.

Under this procedure, you do not have the right to be accompanied by anyone else (such as a spouse, partner, other family member or legal representative).

However, it would not normally be reasonable for you to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for you to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

Where appropriate, eligible colleagues, for example those with disabilities or language difficulties, may have the attendance of a supporter or interpreter.

7. Suspension

Depending on the circumstances, you may be suspended from work on full pay during the investigation. Suspension on full pay is not a disciplinary penalty or a presumption of guilt. Suspensions will be carried out in accordance with the Suspension Procedure.

8. Action against Trade Union Representatives

Disciplinary action against a TU representative can lead to a serious dispute if it is seen as an attack on their functions. Whilst normal disciplinary standards apply to a TU representative's conduct as a colleague, the relevant full-time official should be notified of any action (including suspension) that the employer proposes to take. All reasonable efforts must be taken to ensure that disciplinary action is not taken against a TU representative until the relevant full-time official has had an opportunity to be present at any stage of the formal procedure.

9. Criminal Offences

Certain criminal offences may affect your suitability to continue in your role with the employer or damage their reputation. If you are charged with a relevant criminal offence you must inform your manager as soon as possible. We will not treat notification about criminal proceedings, or a conviction (including bind-over's and cautions), as an automatic reason for dismissal or for any other form of disciplinary action being taken. We will decide what action to take, if any, after we have reviewed the matter. The main consideration should be whether the conviction is one that makes you unsuitable for your job or affects the employer's reputation.

If you are subject to a criminal investigation, the employer will determine to what extent it needs to conduct its own investigation before deciding whether to proceed to formal disciplinary action. The employer will not usually wait for the outcome of any prosecution before deciding what action to take (unless specifically advised otherwise by the police). No decision to impose a disciplinary sanction or dismiss will be taken prior to giving you the opportunity to make representations.

If we have reasonable grounds to suspect that the potential misconduct involves fraud, systems abuse, theft, or any financial irregularity, we will notify the internal auditors and/or the police as soon as possible.

10. The Disciplinary Hearing

Formal hearings will be conducted in line with the Formal Meeting/Hearing Procedure. You must make all reasonable efforts to attend a disciplinary hearing. If you or your companion is unable to attend a hearing you may propose a new date of no more than 5 working days from the date of the original date.

The manager will respond sensitively when a delay is required, for example, it may arise for a reason related to a disability or emergency involving dependants. We may arrange another hearing date if you fail to attend through circumstances outside of your control.

If you do not attend the hearing without good reason, it should be re-arranged but if you do not attend the rearranged meeting/hearing, a decision may be made in your absence. You may submit a written statement to be taken into consideration.

Where you are persistently unable or unwilling to attend the hearing without good cause the manager should make a decision on the evidence available.

The disciplinary hearing will be conducted by the Deciding Manager who will be an appropriate level of management or authority. A representative from HR may also be present and will always be present at hearings that may result in dismissal or an alternative to dismissal.

The Deciding Manager will explain the allegations against you and the evidence in support of those allegations. You will have the opportunity to respond to the allegations, which will include the presentation of your own evidence if you wish. You may request that a witness(s) attend the hearing except that where you rely on character witnesses we would ask that witness statements be provided. However, witnesses whose evidence is not challenged will not be called. Where a witness is required to attend the Deciding Manager will invite them in writing.

Notes of formal meetings will be given to you for your information and copies of notes, letters and action plans should be retained by the line manager.

11. Disciplinary Penalties

Stage 1 – First written warning
A first written warning may be issued by the Deciding Manager and will usually be appropriate for a first act of misconduct where there are no previous warnings and where any agreed adjustments and other support has been made or provided. The warning will remain active for 6 months and it should be disregarded for disciplinary purposes after this period.

Stage 2 – Final written warning
A final written warning may be issued by the Deciding Manager in the following circumstances:

- where there has been a further act of misconduct while an existing warning is in effect, or
- the seriousness of the misconduct is sufficient to warrant such a warning, even though no previous warning may have been issued.

The warning will remain active for 12 months and it should be disregarded for disciplinary purposes after this period.

Stage 3 – Dismissal
Only an appropriate level of authority in line with the employer's decision making structure can take a decision to dismiss and where any agreed adjustments and other support has been made or provided. You may be dismissed in the following circumstances:

- where, within the duration of the final written warning, the necessary improvement in behaviour has not been achieved and any agreed adjustment and other support has been made or provided. This would be with notice or payment in lieu of notice; or
- where there has been a further act of misconduct while an existing warning is in effect
- where it is reasonably believed that you have committed an act of gross misconduct. Gross misconduct will usually result in summary dismissal without notice and without pay in lieu of notice. Examples of gross misconduct are detailed in the policy.

The Deciding Manager may at their discretion consider alternatives to dismissal. Examples of such alternatives include demotion, loss of seniority, reduction in pay, compulsory training. If such an alternative is applied, it may also be accompanied by a final written warning.

12. Warnings
Where a warning is issued, this will be confirmed to you in writing within 10 working days of the hearing. The warning will state the misconduct that led to the warning, the action or improvement required by you, the duration of the warning and the likely consequences of the action of improvement not being taken and/or any further misconduct. You will also be advised of the right of appeal and the person to whom an appeal should be made.

13. Appeals
Where disciplinary action has been taken, if you are dissatisfied with that decision, you can appeal. Your appeal must be in writing and set out the grounds of your appeal in line with the list below and include all the information you wish to rely on at the appeal hearing. You must send your appeal to the Appeal Deciding Manager within 5 working days of the date

you received the letter notifying you of the disciplinary decision. The action taken at the disciplinary hearing will remain in force pending the outcome of the appeal. You must be appealing against either:

- the finding that you were guilty of committing the alleged act (or acts) of misconduct where the evidence did not support this finding
- the severity of the disciplinary sanction imposed taking into account the nature of the misconduct and the mitigating circumstances
- the fact that you don't feel the correct procedure was followed
- the fact the new evidence that was not considered in the disciplinary hearing has come to light that would change the outcome
- the sanction is inconsistent with how others have been treated
- there was unlawful discrimination in the handling of the disciplinary.

You will be invited to the hearing in writing in accordance with the Formal Meeting/Hearing Procedure. You will be given at least 10 working day's notice of the appeal hearing. You have the right to be accompanied at the appeal hearing by your companion.

You must provide copies of any relevant evidence you intend to refer to, at least 3 working days before the hearing.

The outcome of the appeal may be to overturn or confirm the original decision or apply a different, but not more serious, sanction. You will be advised of the appeal outcome, which will be confirmed in writing within 10 working days of the appeal hearing. There is no further right of appeal.

You are not entitled to raise a further complaint under the employer's Grievance Policy (or any of the employer's complaints procedures) in relation to the same grounds of appeal.

14. Examples of Standards of Behaviour

The following are examples of the behaviour expected the employer of all its colleagues, although the list is not exhaustive:

- You should attend work punctually and regularly, in line with operational requirements
- You should carry out reasonable requests/instructions from your managers promptly and efficiently, and to the required standard
- Time off must be approved in advance by the appropriate level of authority, usually your manager and be in line with your contract of employment
- You must follow the procedures outlined in the Managing Attendance at Work policy when notifying the employer of your sickness absence
- You must comply with all of the employer's policies and procedures, including but not limited to the Bullying and Harassment Policy, the relevant Code of Conduct, the ICT Acceptable Use Policy or the Health and Safety Policy
- You must adhere to professional body and statutory guidelines, as appropriate, and act professionally at all times
- In your own interests, and in the interests of the employer as a whole, you should bring serious breaches of the employer's policies or procedures to the attention of management.

15. Examples of Gross Misconduct

The following are examples of gross misconduct but this list is not exhaustive:

- Theft or unauthorised removal of property, fraud, falsification of the employer's records or any other dishonesty
- Actual or threatened violence or bullying behaviour
- Deliberate or serious damage to the employer's property or that of a colleague, customer, contractor or authorised visitor
- Serious negligence which does or could result in loss, damage or injury
- Deliberately accessing, copying or distributing pornographic, offensive, obscene or inappropriate material on the internet or paper media

- Being under the influence of alcohol, drugs or other similar substances at work which may give reasonable grounds to suspect your ability to undertake your duties or being in possession of illegal or intoxicating drugs on site
- Refusal to obey reasonable instructions or any other act of serious insubordination
- Any action or behaviour which brings the employer into serious disrepute
- Serious breach of health and safety rules
- Unauthorised disclosure of confidential information
- Acceptance of bribes or other secret payments
- Harassment or any act of discrimination towards any one you come into contact with because of your work.
- Convictions relating to activities outside work but which have a significant and direct bearing on your employment and duties with the employer and its reputation.
- Misrepresenting at any time, including at your appointment with the employer, any previous positions you have held, your qualifications, date of birth, declaration of health, or a failure to disclose a criminal offence or pending criminal action subject to the provisions of the Rehabilitation of Offenders Act 1974.