

Disciplinary Procedure

This policy is effective in all Academies within the Learning without Limits Academy Trust and the Trust Central Team. Where the term 'Trust' is used in this policy, it covers all Academies and the Trust Offices.

Associated Policies:

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| | | | <p>paragraph in other Trust policies. Point 5.6 expanded to include welfare support and translation service.</p> <p>Paragraph 6 Investigation – updated to more clearly distinguish between stages; fact-finding, fast-track action (new clause taken from the Leicester City Council’s disciplinary procedure for school-based employees V2.0), formal investigation, and disciplinary hearing. Procedure for if an allegation is about the CEO, added to 6.2.</p> <p>Criminal Charges - point 7.2 expanded for clarity.</p> <p>Paragraph 8 Suspension – 8.1 expanded to include reference to the Suspension Decision Checklist, and 8.8 moved to 8.2, 8.3 added to recognise and support employee’s mental health, and 8.5 updated to reference mental health.</p> <p>Policy approved at Trust Board meeting 4th July 2024.</p> |
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1. Policy Statement

- 1.1. The aims of this Disciplinary Procedure and its associated Disciplinary Rules are to set out the standards of conduct expected of all staff and to provide a framework within which the Learning without Limits Academy Trust works with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.2. It is the Trust’s policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.
- 1.3. The policy has been written in consultation with recognised trade unions. It has been formally adopted by the Board of Trustees.

2. Scope and

disciplinary matter if it is considered that it is relevant to the employee's employment (see Appendix 1 – Disciplinary Rules).

- 2.6. We offer access to a free, confidential counselling service, should you require it. There is an initial assessment session after which you may be offered 5 counselling sessions. To access the service, call 01773 814402 or email nurse@uk-sas.co.uk Full details of all employee wellbeing services and benefits can be found at www.lwlat.org.uk

3. Confidentiality and Data Protection

- 3.1. It is the aim of the Trust to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information

- 4.2. Allegations which involve issues of child protection and/or abuse of children by staff should be referred immediately to the Designated Officer of the Local Authority. See the Allegations Policy for further guidance on the management of this type of allegation. No further action under this procedure will usually be taken until the Local Authority Designated Officer (LADO) has been consulted.

5. Right to be Accompanied

- 5.1. You have the right to bring a companion to any hearing or appeal where a formal warning may be issued or dismissal may be a potential outcome. In accordance with this policy, you may bring a companion to investigation meetings and the Trust actively encourages this arrangement in any case where you wish to bring a companion to any hearing or appeal.

- 6.1.2. A fact-finding meeting is likely be held with the employee to establish the basic facts of the circumstance and to enable the Principal/CEO, or a delegated representative, to determine whether further investigation is required. Such a

the views of the police and social care, where applicable. Additional information on the management of these allegations is available in the Trust's Allegations Policy.

- 8.8. The suspension will be kept under review as the investigation progresses. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.
- 8.9. The Trust will not prevent social contact with work colleagues and friends during the suspension unless there is evidence to suggest this may prejudice the gathering of evidence.
- 8.10. In exceptional circumstances there may be the need for the member of staff to visit the Academy/Trust site. Where this is the case, it will be discussed and agreed in advance with the Principal/CEO e.g. a parent working at the school needs to pick up/drop off.
- 8.11. The Trust has no authority or power to suspend a member of agency staff where an allegation is made against them. Instead the Trust will cease to use the services of that member of agency staff or self-employed contractor but not without first finding out the facts and liaising with the LADO to determine a suitable outcome. Further information can be found in the Allegations Policy.

9. Disciplinary Hearing

- 9.1. Following any investigation, if there are grounds for disciplinary action, the employee will be required to attend a formal disciplinary hearing. The emplmro Theffo aune an]TJ0.0

- 9.5. If the employee chooses not to attend the hearing they may choose to send a written statement for consideration at the hearing.

10. Procedure at Disciplinary Hearings

- 10.1. The hearing will be chaired by an appropriate senior/governance representative from the Trust. The Investigating Officer will also normally attend to present the investigation. A Human Resources representative may also be present.
- 10.2. At the disciplinary hearing the Investigating Officer will go through the allegations against the employee and the evidence that has been gathered. The employee (or their companion on their behalf) will be able to respond and present any evidence of their own. A format for a disciplinary hearing is attached at Appendix 2.
- 10.3. Relevant witnesses may be asked by the Investigating Officer or the employee to appear at the hearing. The employee must give sufficient advance notice if they wish to call witnesses to ensure that there is time to arrange their attendance. The employee will be given the opportunity to respond to any information given by a witness.
- 10.4. The Chair may adjourn the disciplinary hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 10.5. The employee will be informed in writing of the decision and the reasons for it, usually within 10 working days of the disciplinary hearing. Where possible this information will also be explained to the employee in person.

11. Disciplinary Penalties

- 11.1. The panel may find that there is no case to answer and may refer the case back to an informal process. Alternatively, the panel

Appendix 1 - Disciplinary Rules

1. Policy statement

- 1.1. The aim of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all staff and to provide a framework within which the Principal/CEO and line managers can work with staff to maintain those standards and encourage improvement where necessary.
- 1.2. If any employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their line manager.

2. Rules of Conduct

- 2.1. While working for Trust you should at all times maintain professional and responsible standards of conduct. In particular you should:

2.1.1. observe the terms and conditions of your contract, particularly with regard to:

- (a) hours of work
- (b) confidentiality

2.1.2. ensure that you understand and follow our Staff Behaviour Policy (Code of Conduct)

2.1.3. observe all of the Trust's policies, procedures and regulations which are available on the Trust website, or notified to you from time to time by means of, e-mail, or otherwise

2.1.4. take reasonable care in respect of the health and safety of colleagues, pupils and third parties and comply with our Health and Safety Policy

2.1.5. comply with all reasonable instructions given by the Principal/CEO and managers

2.1.6. act at all times in good faith and in the best interests of the Trust and those of our pupils and staff

2.1.7. ensure that you never behave in a way, either inside or outside of work, that indicates you may pose a risk of harm to children/not be suitable to work with children

- 2.2. Failure to maintain satisfactory standards of conduct may result in disciplinary action.

- 3.1.4. Poor timekeeping or time wasting
 - 3.1.5. Unauthorised absence from work
 - 3.1.6. Refusal to follow instructions
 - 3.1.7. Excessive use of the Trust's telephones, email or internet usage for personal reasons
 - 3.1.8. Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff or pupils
 - 3.1.9. Negligence in the performance of duties
 - 3.1.10. Smoking in no-smoking areas, which applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes
- 3.2. This list is intended as a guide and is not exhaustive.

4. Gross Misconduct

- 4.1. Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the Trust, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the Trust and the employee. Gross misconduct will be dealt with under the Disciplinary Procedure and may lead to dismissal without notice or pay in lieu of notice (summary dismissal).
- 4.2. The following are examples of matters that are normally regarded as gross misconduct:
- 4.2.1. Theft, or unauthorised removal of property or the property of a colleague, contractor, pupil or member of the public
 - 4.2.2. Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets, pupil's work, examinations or assessments
 - 4.2.3. Actual or threatened violence, or behaviour which provokes violence
 - 4.2.4. Deliberate damage to the buildings, fittings, property or equipment of the Trust, or the property of a colleague, contractor, pupil or member of the public
 - 4.2.5. Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries
 - 4.2.6. Serious failure to follow the Trust's child protection procedures
 - 4.2.7. Behaving in a way, either inside or outside of work, which could cause harm to a child, or could indicate that you pose a risk of harm to children/may not be suitable to work with children
 - 4.2.8. Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare
 - 4.2.9. Serious misuse of the Trust's property

- 4.2.10. Deliberately accessing internet sites at work or at home, using School equipment, which contain pornographic, offensive or obscene material
- 4.2.11. Repeated or serious failure to obey instructions, or any other serious act of insubordination
- 4.2.12. Bringing the Trust into serious disrepute
- 4.2.13. Being under the influence of alcohol, illegal drugs or other substances during working hours or not being capable of fulfilling your duties because of the effects of alcohol or illegal drugs or other substances
- 4.2.14. Causing loss, damage or injury through serious negligence
- 4.2.15. Serious or repeated breach of health and safety rules or serious misuse of safety equipment
- 4.2.16. Unauthorised access, use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure
- 4.2.17. Acceptance of bribes or other secret payments
- 4.2.18. Conviction or caution for a criminal offence that in the opinion of the Trust may affect our reputation or our relationships with our staff, pupils, parents or the public, or otherwise affects your suitability to continue to work for us
- 4.2.19. Possession, use, supply or attempted supply of illegal drugs
- 4.2.20. Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures
- 4.2.21. Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy
- 4.2.22.

4.2.29.

