





## Community Inclusive Trust - **Disciplinary Policy**

Version:



- 3.3. The Director of HR will be responsible for:
- 3.3.1. Ensuring that all members of staff have read and understand the provisions outlined in this policy.
  - 3.3.2. Ensuring this policy and associated procedure are readily available to all employees and can be accessed in an appropriate format.
  - 3.3.3. Supporting leaders with the assessment and management of disciplinary cases and conducting formal investigations as required.
  - 3.3.4. Ensuring an appropriate case investigator is appointed for all formal investigations.
  - 3.3.5. Ensuring adequate training is provided for case investigators and panel members.
  - 3.3.6. Ensuring a culture is established where employees are supported and

information communicated to them in connection with an investigation or disciplinary matter as confidential during or after an investigation into an allegation.

- 4.2. A breach of confidentiality will be taken seriously and may warrant its own investigation.
- 4.3. Employees, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 4.4. Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is good reason that a witness's identity should remain confidential.
- 4.5. The amended Education Act 2002 introduced reporting restrictions, in respect of any allegations made against a teacher, preventing the publication of any material that may lead to the identification of a teacher in a school who has been accused by or on behalf of, a pupil from the same school. This applies to parents and carers as well as the press. If for any reason the Trust needs to make parents aware of any allegations, they should equally make them and others aware there are restrictions on publishing information.
- 4.6. During informal action, formal investigation and any subsequent stages of the procedure, the Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. Records will be kept in accordance with our Records Retention Policy and in line with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and the Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Any breach of data protection may constitute a disciplinary offence and be dealt with under this procedure.

## **5. Allegations**

- 5.1. Allegations may be brought to the Trust's attention in a number of ways and through a variety of sources. Appendix 1 sets out the disciplinary rules. As with disclosures made by children and young people, adults need to be aware that in making an allegation or raising a concern it is not always possible to keep the matter confidential. The Headteacher or ELT will decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation does not want them to.

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**Process**

**6. Initial Fact-Finding**

- 6.1. When an allegation comes to light, an initial informal Fact-Finding exercise should be undertaken to establish if the allegation does constitute a breach in the Disciplinary Policy and Procedure.
- 6.2. The fact-finding should not include formal questioning but may involve taking a statement from the employee to gather the basic facts, speaking to key individuals and assessing any relevant evidence such as CCTV footage, signing in sheets or incident reports.
- 6.3. Fact-





## **11. Suspension**

### 11.1.

should be suspended from the workplace. The Trust will only consider suspension in the following circumstances:

11.1.1. where there are reasonable grounds for concern that evidence may be tampered with/destroyed.

11.1.2. witnesses may be pressurised.

11.1.3. there is a potential risk to the Trust, pupils or other employees in allowing the employee to remain at work.

11.1.4. the allegations are so serious that they would constitute gross misconduct if proven.

11.2. Suspension will not be an automatic response and a decision to suspend will only be taken after careful consideration of all alternatives to suspension such as re-organisation of duties, work location or temporary redeployment to another role. Suspension does not in itself constitute disciplinary action or imply any decision or judgement as to guilt.

11.3. Where allegations are made that involve the protection of children, suspension will not be considered to be automatic. A reasoned decision will be made based on all available information in consultation with the Local Authority Designated Officer (LADO), including the views of the police and social care.

11.4. During suspension, or alternative duties, the employee will continue to receive their normal pay. However, the Trust reserves the right to withhold pay in exceptional circumstances.

11.5. The decision whether to suspend will be made by the CEO or Director of Education with advice from the Central HR Team. Any decision to suspend without pay must be formally agreed by the CEO and HR Director. The discussions must include consideration of alternatives to suspension, prior to a decision being made. In all cases suspension will be kept under review and will be kept as short as possible.

11.6. If the CEO is unavailable to make a suspension without pay decision, then a majority ELT agreement will be required.

11.7. If suspension is deemed necessary, an appropriate manager must be identified to act as the named contact for the employee for the duration of their suspension.

11.8. At the meeting the employee will be told the following:

11.8.1. The basic allegation and why a suspension is regarded as necessary.

11.8.2. Who their named contact will be for the duration of the suspension, if known. If this has not been established yet, the employee will be informed that they will be told this as soon as the named contact has been identified.



12.4.

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- 15.5. An agreed outcome cannot be used in cases of potential gross misconduct where dismissal is a possible outcome or cases of a safeguarding nature.
- 15.6. If an employee accepts an Agreed Outcome this must be confirmed in writing

- 16.9. If an employee is unable to attend a hearing due to illness, in the case of long-  
decision is made to do this, the employee will be invited to submit a written statement or for their case to be presented by a Trade Union Representative or a work colleague. The Disciplinary Manager will make the decision to proceed and confirm their decision in the outcome letter.
- 16.10. Employees should be given one chance to re-arrange the hearing if the date given to them is unsuitable due to prior commitments which cannot be changed. However, if at short notice (i.e. on the day) the employee cannot attend for an unforeseeable reason which is judged reasonable, the hearing should be rearranged.
- 16.11. Employees who have been invited to attend a disciplinary hearing will have the right to be accompanied by a Trade Union Representative or a work colleague.

## **17. The Hearing Process**

- 17.1. The employee will be invited to attend the hearing and will be given 5 working  
the hearing (if known) and details of any witnesses to be called. The employee will be informed in writing of the allegations against them, the basis for these allegations and what the likely consequences could be if it was decided that the allegations are true. The following documents will also be included where appropriate.
- 17.1.1. A summary of relevant information gathered during the investigation.
- 17.1.2. A copy of any relevant documents which will be used at the disciplinary hearing including the investigation report.
- 17.1.3. A copy of relevant witness statements  
is to be kept confidential, in which case as much information will be provided as possible whilst maintaining confidentiality.
- 17.2. The Disciplinary Manager, working with CIT HR, will invite witnesses if required, and ensure they are available to attend on the date of the hearing. The employee answering the allegations must notify the Disciplinary Manager of the details of any witnesses they may wish to bring. It is the responsibility of each party to contact their own witnesses and arrange for them to attend.
- 17.3. All hearings will take place during school term time and on a normal working day of the employee under investigation.
- 17.4. The employee is required to submit any documentation, including a list of any witnesses they intend to call, and details as to whether they will be accompanied at least 2 working days prior to the hearing.
- 17.5. The Trust reserves the right, in exceptional circumstances and with agreement of the employee, to reduce the timescale for a hearing to be arranged.

- 17.6. A note-taker will be present at all hearings and the panel may be supported by a HR representative.
- 17.7. A hearing will usually follow the following process:
- Case Investigator will present case witnesses will be called if necessary.
  - Questions of case by employee.
  - Questions of case by Disciplinary Manager and panel.
  - Employee presents case witnesses will be called if necessary.
  - Questions by Case Investigator.
  - Questions of case by Disciplinary Manager and panel.
  - Case Investigator sums up key points.
  - Employee sums up case.
  - Case Investigator, employee and representative leave the hearing.
  - Panel makes a decision.
  - Decision is delivered\* (see 20.3).
- 17.8. The employee will be given the opportunity to respond to any information given by a witness however, they will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Chair decides that a fair hearing could not be held otherwise.
- 17.9. The Disciplinary Manager 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.

## **18. Role of Companion at Meetings and Hearings**

- 18.1. An employee may bring a companion to all meetings where a formal warning or dismissal may be a potential outcome. The companion may be either a Trade Union Representative or a workplace colleague. The employee should inform the Case Investigator or Disciplinary Manager conducting the meeting/hearing who their chosen companion is at least 2 working days before the date of the meeting/hearing.
- 18.2. Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.
- 18.3. Acting as a companion is voluntary and colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 18.4. If the choice of companion is unreasonable the employee can be asked to choose someone else, for example:
- 18.4.1. if they have a conflict of interest or may prejudice the meeting; or











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process, then the grievance should be investigated and completed before the disciplinary proceeds.

**25. Records**

25.1. Records kept in relation to disciplinary action will be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act.

**26. Review of Policy**

26.1. This policy is reviewed annually by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## **Appendix 1 – Disciplinary Rules**

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 headteachers, ELT and line managers can work with staff to maintain those standards and encourage improvement where necessary.

If any employee is in any doubt as to their responsibilities or the standards of conduct expected they should speak to their line manager or a member of Human Resources.

In some cases, employee conduct outside of work may be considered as misconduct or gross misconduct for the purposes of their employment contract. Examples include the inappropriate use of social media which names CIT or colleagues in a derogatory way, action that may bring the Trust into disrepute, police investigations or safeguarding concerns.

### **1. Standard of Expected Conduct**

1.1. As employees that represent the Trust, the highest standards of conduct are required at all times to ensure the Trust retains its high reputation. This includes maintaining high levels of both professional and personal conduct. In particular staff should:

1.1.1. Observe the terms and conditions of their contract, particularly with regards to:

1.1.1.1. Hours of work

1.1.1.2. Confidentiality

1.1.2. Ensure they have read and understand the Trust Code of Conduct Staff

1.1.3. observe all the Trust's policies, procedures and regulations which are available on the CIT website <https://citacademies.co.uk/cit-policies>

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

1.1.5. comply with all reasonable instructions given by management.

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

1.1.7. en6h TQl.F1 11.04 5 0 1 484[r or a dew.04 11( ),4( )6(t)eihe co5(nte)6(ve)3( )-4(of)9

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- 2.1.2. Minor breaches of an employee's contract of employment.
- 2.1.3. Damage to, or unauthorised use of, the Trust's property.
- 2.1.4. Poor timekeeping or time wasting.
- 2.1.5. Unauthorised absence from work.
- 2.1.6. Refusal to follow instructions.
- 2.1.7. Excessive use of the Trust's telephones, email or internet usage for personal reasons.
- 2.1.8. Inappropriate or other offensive behaviour, including using obscene language, victimisation or harassment of other members of staff or pupils.
- 2.1.9. Negligence in the performance of duties.
- 2.1.10. Minor breaches of confidentiality.
- 2.1.11. 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; or
- 2.1.12. Failing to follow the Teachers Standards, especially Part Two: Personal and Professional Conduct (Teaching staff only)

2.2. This list is intended as a guide and is not exhaustive.

### **3. Gross Misconduct**

- 3.1. 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





