



Disciplinary Policy

Date reviewed: Autumn 2024
Date of next review: Autumn 2025

1. Introduction

The Trustees of SAT are committed to ensuring that the highest standards are maintained at the School both in the provision of education to pupils and in every other aspect of the running of the School.

This policy applies to all employees. It does not apply to agency workers or self employed contractors. This procedure is to be used to deal with issues of misconduct. Separate processes exist to deal with matters of unsatisfactory performance and absence due to ill health.

In the event of a disciplinary matter arising concerning a headteacher, all references throughout this document to the Headteacher should be managed by the Chair of the LAB and or Chair of the Trust/CEO.

[This procedure does not form part of any employee's contract of employment, and it may be amended at any time.]

2. Disciplinary Rules

The commonly accepted rules of behavior, which apply in society, will apply equally in the work situation. Any breach of an employee's Terms and Conditions of Employment, any conduct that the Academy/Trust considers unsatisfactory or prejudicial to its interests, or any failure to meet the required work standards may render an employee liable to disciplinary action.

The lists below are not exhaustive and only serve as a guide to matters that the Academy/Trust may deem (depending upon the nature, circumstances, and severity of the incident) to be a breach of general discipline or gross misconduct.

It is accepted that distinguishing between general and severe breaches of discipline is complex; therefore, each case must be treated on its own merits. Since the examples are only guidelines, discretion will have to be exercised by the Academy/Trust in categorizing breaches of discipline regarding all the circumstances under which the breach of discipline occurred.

Some examples are (but are not limited to):

EXAMPLES OF MISCONDUCT

- Poor timekeeping (i.e., lateness / leaving early) and attendance standards
- Work not of the required standard (where capability is not in question)
- Disruptive behaviour
- Minor breaches of policies

EXAMPLES OF GROSS MISCONDUCT

- Behaviour prejudicial to the good name or interests of the Academy/Trust or which may bring the employee or the Academy/Trust into disrepute
- Unauthorised and unreasonable absence from the place of work
- Wilful refusal to carry out a reasonable instruction or series of appropriate instructions
- Breach of confidentiality
- Breach of trust and confidence
- Theft, misuse, or abuse of the property of the Academy/Trust or any other employee;
- Assault upon another employee or person

- Being under the influence of excessive (in the employer's opinion) alcohol on the Academy/Trust's premises, in working time, or at an Academy/Trust event
- Fraudulent practices
- Falsification of any Academy/Trust records
- Violent or threatening behaviour towards people or property on the Academy/Trust's premises or at an Academy/Trust related event
- Gross negligence or insubordination
- Covertly recording hearings, meetings, or colleagues
- Smoking on the Academy/Trust's premises
- Serious breach of health and safety procedures or regulations
- Making any sexual or other inappropriate contact with any pupil, whatever the age of the pupil
- Using, handling, or possessing illegal drugs or substances irrespective of whether it is on the Academy/Trust's premises, in working time, at an Academy/Trust event, or while acting on behalf of the Academy/Trust
- Discrimination, harassment, or victimisation on the grounds of protected characteristics as defined in the Equality Act of 2010
- Bullying, harassment, or victimisation, whether verbal, written, photographic, pictorial or physical, inside or outside the workplace.
- Inappropriate use of the Academy/Trust's Information Technology systems and passwords, including email or internet abuse or misuse
- Using social media, whether inside or outside of working time (e.g., blogs, Facebook, Twitter, etc.) to post derogatory or offensive comments about the Academy/Trust, work colleagues, or third parties with which the Academy/Trust has an operational relationship
- Any misappropriation of files or documents belonging to the Academy/Trust of any kind or making copies, duplicates, or excerpts of these for private or any other purposes unrelated to an employee's employment and without consent.

A material breach of contract or the Academy/Trust's policies and procedures

- Criminal offenses, including those committed outside the workplace, which impact the employee's ability or suitability to do their job

3. Policy

The Trust Board expects all staff to maintain appropriate standards of behavior and performance. To assist employees in complying with this requirement, the Board has formulated a set of disciplinary principles. It has established a procedure to be followed when disciplinary matters arise. The purpose of the policy and the supporting procedures is to enable any disciplinary issue to be addressed speedily, ensuring fairness and consistency in the treatment of individual employees.

The following should be considered:

- Where an employee's conduct appears to be unsatisfactory, no disciplinary action shall be taken until the

case has been carefully investigated and a disciplinary hearing has taken place.

- In all cases, the employee will be advised in writing, as soon as practicable, of the details of any allegations/complaints made against them.
- The employee will be allowed to prepare and present their case before any decision is made.
- No employee will be dismissed for a first breach of discipline except in cases of gross misconduct.
- Wherever possible, meetings will be held during the employee's standard working time unless otherwise agreed.
- The employee will have the right to be accompanied by a trade union representative or work colleague throughout the disciplinary procedure.
- In every case, and at every stage, when determining the disciplinary action to be taken, the Headteacher and/or the Trustees shall bear in mind the need to satisfy the test of reasonableness having due regard to all the circumstances.
- The Headteacher shall ensure that the employee is given an explanation for any sanction imposed and is told of their right of Appeal, how to make it, and to whom.
- The Headteacher and Trustees should be particularly careful not to discriminate on the grounds of race, gender, disability, sexual orientation, religion, trade union membership, or age.
- Appropriate advice should be sought from HR in all cases where disciplinary action is being considered.
- There may be occasions where this procedure needs to be modified to comply with the requirements of the Academy/Trust's safeguarding policies,

3.1 Informal process

Minor conduct issues should be resolved informally between the employee and Headteacher. Such discussions should be held in private, and, where appropriate, a note of any informal discussion should be placed on the employee's personnel file. Any note taken should be marked 'informal' and should not form part of the employee's disciplinary record and should be ignored for the purposes of any future disciplinary hearings.

The employee should be advised of the standard required and reasonable opportunity to achieve the required standard. In the event of insufficient improvement, or if an informal discussion is not appropriate due to the seriousness of the allegation, formal steps should be taken under this procedure.

3.2 Suspension

An employee may be suspended at the beginning or during a disciplinary process to:

- Protect the reputation of the School, e.g., in instances of potential gross misconduct;
- reduce the possibility of interference with the disciplinary investigation, e.g., influencing witnesses or interfering with evidence;
- to protect the employee from any further allegations;
- where it is clear there is a risk to the School, employee, or others.

The suspension will usually take place on full pay and does not constitute any assumption of guilt or responsibility, nor is it a disciplinary sanction in any form.

If the suspension is necessary, the Headteacher should discuss it with HR before taking this decision.

It is recognised that any suspension should be carried out promptly and reasonably. The employee could be called to a suspension meeting immediately, with no notice or entitlement to be accompanied.

The Headteacher will explain the reason for suspension, the standards expected during the suspension, and where known, provide an outline of any next steps. This should be confirmed in writing at the meeting or as soon as possible afterward.

Depending on the nature of the allegations (e.g., computer misuse), the employee's IT access may need to be reviewed. The employee will usually be expected to hand in any keys and security passes.

Suspended employees must make themselves available to participate in any disciplinary meetings, noting they are still employees who remain on contractual pay.

Employees should still record sickness (e.g., providing medical certificates) and request annual leave in the same way when on suspension.

Suspension should be reviewed every four weeks. Suspension should be kept as brief as possible, noting its effect on School resources and the impact on the employee.

Suspension can only be ended by LAB Members/Trust Board.

3.3 FORMAL PROCESS Stage 1 – investigation

The Headteacher will first appoint a member of the senior management team or another appropriate person (hereafter called the investigating officer) to promptly establish the facts before recollections fade and obtain signed witnesses' statements without undue delay. The investigating officer must be neutral and independent, i.e., have had no previous involvement and will not be involved in deciding the case's outcome.

Initial investigations should be conducted at the earliest opportunity. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. Often, further information can come to light during the investigation, resulting in the investigating officer carrying out further investigation or interviewing additional witnesses, or re-interviewing witnesses.

The employee should be notified of the allegation(s) against them and invited to an investigatory meeting. The employee should be provided with reasonable notice of the meeting and be advised that a trade union representative or colleague may accompany them. It is advisable to hold a further investigation meeting with the employee to obtain a further statement once all the facts have been gathered.

Witnesses must be advised of the purpose of the meeting and further advised that any information discussed should remain confidential, and matters should not be discussed with any other staff member. All statements taken should be dated and signed by the witness. If a witness wishes to remain confidential, the investigating officer should seek the reasons for this. No guarantee of complete anonymity can be provided to a witness.

Where statements from pupils are deemed necessary, these will be taken as soon as possible after the incident and in such a way as to avoid the risk of collusion between pupils. All interviews should be conducted with another senior member of staff present, and (particularly where very young pupils are involved) consideration should be given to the presence of at least one parent/guardian.

Investigative interviews are solely for fact-finding, and no decision on disciplinary action will be taken until

after a disciplinary hearing.

Once the investigation is complete, the investigating officer should complete a report detailing their findings and identifying recommendations.

Please see appendix A for guidance on carrying out an investigation.

Stage 2 – Disciplinary hearing

Following an investigation, if there are grounds for disciplinary action, the employee will be invited to attend a disciplinary hearing held as soon as reasonably practicable.

Disciplinary hearing panel

The case will be considered by a disciplinary hearing panel consisting of three-panel members. This could include the Headteacher and/or LAB Members.

The disciplinary hearing panel should consist of members who have not previously been involved in the case and are not staff LAB Members and, ideally, not parent LAB members.

Representation

The employee may be accompanied, if they so wish, by a recognised trade union representative or work colleague of their choice.

Notice requirements

The employee will be given at least **seven working days'** notice in writing of the hearing's time, date, and place before the disciplinary hearing panel. Suppose the trade union representative/colleague cannot attend on the date proposed. In that case, the employee can offer an alternative time and date within five working days of the original. Typically only one postponement on these grounds will be permitted.

In proposing an alternative date, the employee must have regard to the availability of the disciplinary hearing panel. Where it is impossible to convene a panel, the Academy/Trust will liaise with the employee to other suitable dates beyond the usual five working days.

At the same time as the notice is sent, the employee shall be:

- Provided with the full details of the allegations, the basis for the allegations, and the likely range of consequences if the allegations are found to be true.
- Provided with a summary of relevant information gathered during the investigation. Provided with two copies of any relevant documents to be considered by the disciplinary hearing panel, the second copy being provided for the use of their representative.
- Provided with two copies of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the employee will be provided with as much information as possible while maintaining confidentiality.
- Told to forward to the clerk to the hearing any papers that they wish to be considered by the disciplinary hearing panel no later than **two working days** before the hearing date.
- Asked to acknowledge receipt of the letter and say whether they will attend the hearing, accompanied or otherwise.

Suppose an employee cannot attend the hearing. In that case, they must inform the clerk to the disciplinary hearing panel immediately to arrange an alternative date and time. It is good practice to arrange an alternative date if the employee fails to attend. If an employee persistently fails to attend, a decision may

have to be taken based on available evidence.

The hearing may be adjourned if there is a need to carry out further investigations. The employee will be given a reasonable opportunity to consider any new information obtained before the reconvening hearing.

The employee will be notified of the decision, including full reasons, within **five working days** of the hearing.

Please see Appendix B for details of the procedure to be followed at the hearing.

Stage 3 – Appeal

Appeals against disciplinary action will involve:

- An appeal against a decision of the disciplinary hearing panel.

Suppose an employee feels that disciplinary action taken against them is wrong or unjust. In that case, they should appeal in writing, stating their full grounds of Appeal, to the clerk to the disciplinary hearing panel within **five working days** of the date they were informed of the decision.

An appeal may be based on the following grounds:

- The decision reached is not supported by the evidence available; • new evidence has come to light which was not previously available; • the sanction imposed is too severe;
- the Disciplinary Procedure has not been followed, and this has materially affected the outcome

The Appeal should be dealt with as promptly as possible and wherever possible within **20 working days** of the Appeal being lodged. The employee will be provided with at least **five working days'** notice of the date, time, and place of the appeal hearing, along with any relevant documentation as set out above.

An appeals panel will be appointed comprising of three LAB Members/Trustees. The appeals panel should consist of individuals who have not previously been involved in the case.

The procedure to be followed at the appeal hearing shall be similar to the disciplinary hearing set out within appendix B, except that the employee (appellant) shall present the case for Appeal first, with the chair of the disciplinary hearing panel answering the Appeal. Where an appeal is upheld, all appropriate persons shall be informed accordingly.

The provision and arrangements for representation shall be the same as the stage 2 – disciplinary hearing above.

The Appeal outcomes may be:

1. That the employee's Appeal is upheld, and no sanction is imposed;
2. The employee's Appeal is upheld, and a lesser sanction is imposed;
3. The employee's Appeal is not upheld, and the original decision stands.

NB. The Appeal will review the original decision, and it is not a re-run of the disciplinary hearing. The decision reached by the appeals panel will be final.

4. Disciplinary Sanctions

The usual penalties for misconduct are set out below. Each case will be assessed on its own merits.

An employee will not be dismissed for the first act of misconduct unless the conduct amounts to gross misconduct is decided.

At the same time as the sanction is determined, consideration may be given, in the case of teachers, to withholding an increment as provided for in the Academy/Trust's pay policy.

Oral warning (written)

An oral warning will usually be appropriate for the first act of misconduct. There are no other active written warnings on the employee's disciplinary record.

An oral warning will remain active for six months.

First written warning

A final written warning will usually be appropriate for:

- Misconduct where there is already an active warning on the employee's record; or
- Misconduct is considered sufficient to warrant a written notice even though no other active notices are on the employee's record.

A first written warning will remain active for 12 months.

Final written warning

A final written warning will usually be appropriate for:

- Any further misconduct during an active period of a live written notice;
- The misconduct is of such a severe nature that a first written warning is not deemed appropriate;
- The allegation is gross misconduct and could have warranted dismissal in the circumstances. However, there were sufficient mitigating factors that have been taken into account.

A final written warning will remain active for 24 months.

Dismissal

Dismissal will usually be appropriate for:

- Further misconduct where there is an active a written warning on the employee's record; or
- Any gross misconduct regardless of whether there are active warnings on the employee's record.

Gross misconduct will usually result in summary dismissal without notice or payment in lieu of notice. Examples of gross misconduct are set out earlier in this procedure.

Where dismissal takes place or an employee leaves in circumstances where they might have been dismissed, the matter shall be reported to the appropriate persons or bodies as required by statute.

Other sanctions

Other sanctions may also be considered, although in all cases, advice must be sought from HR. Possible alternative sanctions include a transfer to another post or demotion with or without the protection of salary.

MISCELLANEOUS NOTES Child protection

Allegations relating to child protection against employees should be dealt with per the relevant policy in force.

Disciplinary action against trade union officials

All the foregoing disciplinary standards and procedures apply to the conduct and performance of all union officials, including Academy/Trust representatives, who are employees of the Academy/Trust. Beyond a formal oral warning, no disciplinary action shall be taken until a senior trade union representative or full-time official of the member of staff's trade union or association has been given an opportunity to discuss them with the Principal. In such cases, the discussion must take place within seven working days of notification by the Headteacher.

Confidentiality

All proceedings described in this document shall be confidential. Any public statement or publication of the decision, save to the employee and their representative, shall be only confined to the operative decision. All employees/witnesses must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

Sickness

Suppose an employee falls sick during the disciplinary process, including the suspension stage. In that case, this will not automatically postpone the disciplinary process or any disciplinary proceedings.

If an employee experiences short instances of sickness or a long period of absence (e.g., stress) and feels too unwell to attend, they can provide written statements or send a representative on their behalf. Employees are still expected to act in good faith and cooperate with the Disciplinary Procedure during any absence.

Suppose an employee does not attend a meeting due to sickness. In that case, they may be informed that any rescheduled investigation meetings or hearings may occur in their absence.

The School's position is that disciplinary proceedings will generally continue where sickness is involved. Line managers will manage any illness per the School's Sickness Procedure. This is to ensure that disciplinary matters can be concluded swiftly and without undue delay to alleviate the inherent stress of the process.

Grievances

If a grievance is raised during the disciplinary process, this will not result in disciplinary proceedings being suspended.

The line manager will review the grievance and decide on whether it is related to the disciplinary process. Where:

- It is related, the employee will be informed that the grievance claim will be dealt with as part of the disciplinary process and considered as part of the employee response;
- It is not related; it will be considered separately under the School's Grievance Procedure as it will not impact the disciplinary matter.

Criminal charges or convictions outside employment

These should not be treated as automatic reasons for dismissal. The main consideration should be whether the offence makes workers unsuitable for their type of work. In all cases, headteachers (and/or the disciplinary hearing panel), having considered all the facts, will need to consider whether the conduct is

sufficiently severe to warrant instituting the disciplinary procedure. In addition, staff should not be dismissed solely because a charge against them is pending or because they are absent due to being remanded in custody.

Allegations of abuse against teachers and other staff - resignation

Per the statutory guidance from the Department of Education, allegations of abuse against teachers and other staff should be followed up even when the employee resigns. In all cases of allegations bearing on the safety or welfare of the children, every effort must be made to conclude, even when the employee refuses to cooperate with the process.

Wherever possible, the employee should be given a full opportunity to answer the allegation and make representations about it. However, even if the employee is unable or unwilling to cooperate, a disciplinary hearing should still be convened in order to:

- Record the allegation and any supporting evidence.
- Decide whether the allegation can be substantiated based on all the information available.

It may be challenging to conclude in those circumstances. It may not be possible to apply for any disciplinary sanction if the notice expires before the process is complete. Still, it is essential to reach and record a conclusion wherever possible.

Referrals to the Department for Education (TRA) and the Independent Safeguarding Authority

When a registered teacher is dismissed or ceases employment for reasons of misconduct or incompetence, or where they resign in circumstances where dismissal was a possibility, the Headteacher or the Trust (where the case involves the Headteacher) is required to notify the Department for Education (DfE) in writing.

In cases where the misconduct involves a risk of harm to children and young people, they must refer cases to the Independent Safeguarding Authority (ISA).

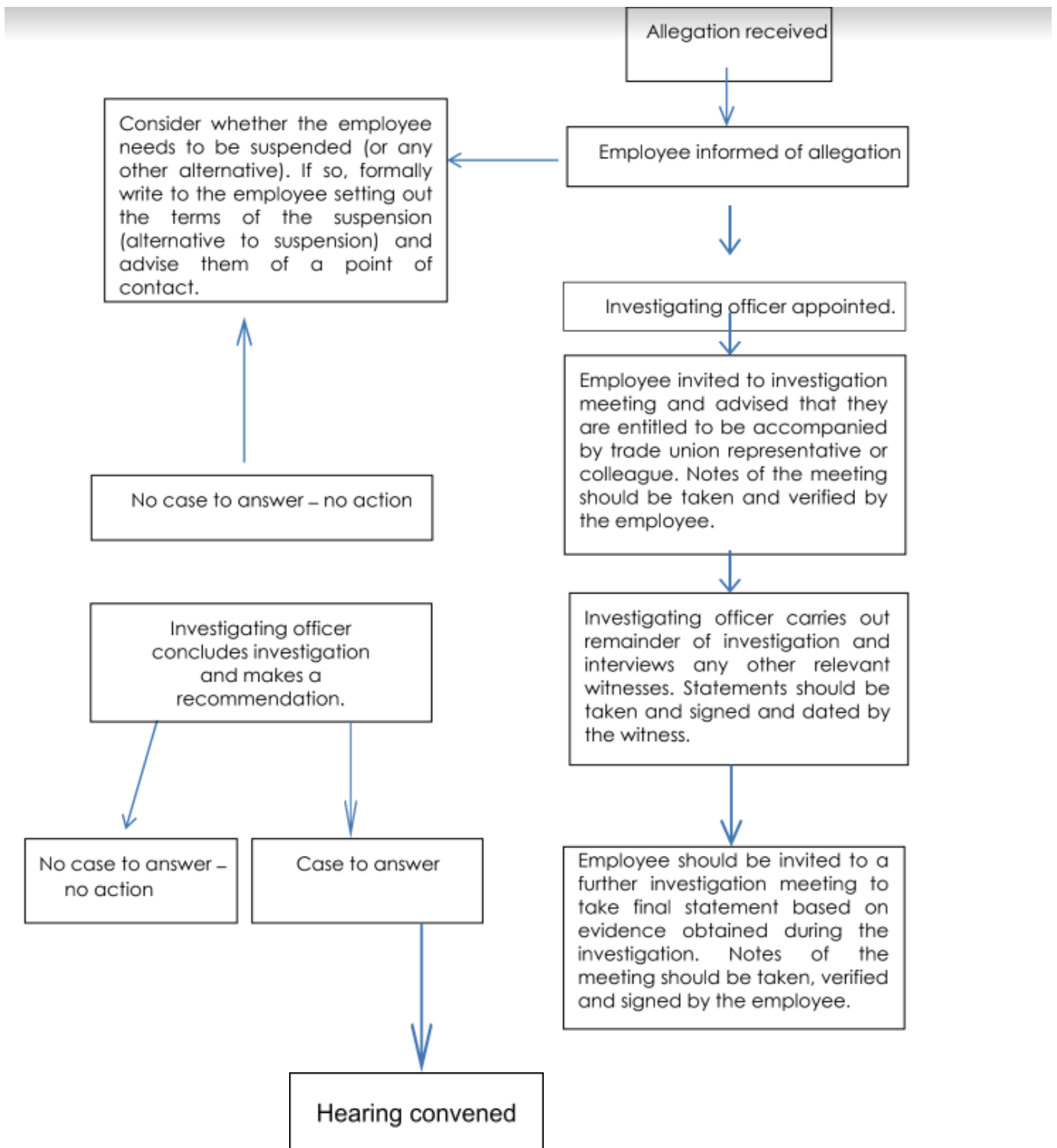
5. Monitoring and Review

The Trustees of Sikh Academies Trust ensure that the Headteacher and Senior Leaders implement this policy consistently.

However, all staff is responsible for keeping themselves informed of the policies and procedures.

This policy will be reviewed every two years or earlier, if necessary.

APPENDIX A – CARRYING OUT AN INVESTIGATION



APPENDIX B – PROCEDURE TO BE FOLLOWED AT A DISCIPLINARY HEARING

Introductions

- The chair of the disciplinary hearing panel should make introductions and explain the purpose of the hearing and the procedure.
- After the introductions, the chair should confirm that the hearing is being held as part of the Academy/Trust's disciplinary procedure and that there will be a written record of the hearing.
- The chair should clarify whether or not the parties will call any witnesses.
- The allegations against the employee should be fully outlined.

Academy/Trust to present case

- The presenting officer (usually the investigating officer) should present the Academy/Trust's case to the chair, putting forward all relevant facts which led to disciplinary proceedings being instigated against the employee. The investigating officer's report and recommendations should be presented, referring to relevant documentary evidence where necessary. The presenting officer should also call any relevant witnesses as required.
- The employee should be invited to ask the presenting officer any questions and raise any points about any documentary or witness evidence presented.
- The chair and panel members may also ask the presenting officer any questions about the evidence provided.

Employee to present case

- The employee or their representative should present their case using any evidence supporting their claim, including documentary and witness evidence where necessary. The employee or their representative must be allowed a full and fair opportunity to state their side of events and explain any conduct or mitigating factors.
- The employee should be permitted to call witnesses to give evidence as necessary.
- The presenting officer should be invited to ask the employee any questions and raise any points about any documentary or witness evidence presented.
- The chair and panel members may question the employee about any points/evidence raised. While the employee should be allowed to confer with their representative, they should personally address any questions they ask.

Summing up and decision

- After all the evidence has been heard, the chair should summarise the key points.
- The chair should retire to consider their decision with the panel. Only the technical advisor and clerk should accompany it to the Appeal. Such discussions or minutes are not privy to the employee or their

representative.

- The chair should inform the employee whether the decision will be communicated orally that day or provided later in writing.
- The employee must be notified of their right of Appeal against any disciplinary action taken.

Regarding the appeal hearing, the above steps should be followed, save that the employee will present their case first.

Additional points to note

- During the proceedings, either side may request an adjournment for a reasonable period to allow consultation.
- Full minutes of the hearing should be taken. Ideally, a separate minute taker should be appointed who is also independent of the proceedings. A copy of the minutes should be sent to the employee following the hearing, and the employee should be asked to sign a copy to confirm they are accurate.
- If the employee fails to attend the hearing, it is good practice to re-arrange the hearing to an alternative date to give the employee a further chance to attend. If the employee persistently fails to attend without good reason, the hearing can proceed in the employee's absence. The employee should be warned that this will be the case.
- In the event of a disabled employee, consideration should be given to any reasonable adjustments necessary.