

Pickwick Academy Trust



Staff Disciplinary Policy

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1. Introduction

- a. This policy is designed to help and encourage all employees to achieve and maintain satisfactory standards of behaviour and attendance and comply with the rules and standards of the Trust. It provides a method of dealing with misconduct, aiming to ensure consistent and fair treatment for everyone and for matters to be dealt with speedily. Where any disciplinary action is required in accordance with this policy, it is recognised that the process can have an impact on those involved. To minimise the impact that this can have on the wellbeing of individuals, it is recognised by all parties that timely resolution will be beneficial.

2. Purpose and Scope

- a. This procedure applies to all employees. It does not apply to agency workers or self-employed contractors. The main purpose of the disciplinary procedure is to encourage an employee, whose standard of work or conduct is unsatisfactory, to improve. The procedure serves to ensure that this is done in a fair and consistent manner.
- b. The disciplinary procedure is not contractual and may be varied by the Trust. Pickwick Academy Trust expressly reserves the right to depart from the terms of the disciplinary procedure in circumstances where the employee does not have two years' qualifying service.
- c. The disciplinary procedure is strictly confidential and all aspects, including all documentation and records, shall be treated as such. In line with this policy, the following will be adhered to:
 - The disciplinary procedure is to be used where an employee's work or conduct is alleged to be unsatisfactory.
 - It is not to be used for ill health or capability issues.
 - Each step and action under the procedure must be taken without unreasonable delay, either by the school or the employee.
 - The timing and location of meetings must be reasonable.

3. Responsibilities and Accountabilities

- a. The Trustees are responsible for:
 - Monitoring and reviewing this policy on a regular basis to ensure its effectiveness.
 - Where an allegation is made against the CEO, deciding upon and initiating the appropriate level of disciplinary action, through the establishment of a decision panel who will attend the disciplinary hearing.
 - Deciding on the appropriate level of disciplinary action and approving dismissals of the Executive Team, Central Team or a Headteacher in cases where the CEO was responsible for leading the investigation or if otherwise decided by the Board; through the establishment of a decision panel who will attend the disciplinary hearing.
 - Acting as ultimate decision makers in relation to any appeals by the CEO, member of the Executive Team or Central Team, Headteacher or other

member of School Leadership Team following disciplinary or grievance procedures through the establishment of an appeals panel.

- For allegations regarding the CEO, the Chair of the Trust Board is responsible for undertaking an investigation.
- b. The CEO is responsible for:
- Ensuring all members of staff have read and understood the provisions outlined in this policy.
 - Ensuring a culture is established where employees are supported and assisted in achieving and maintaining the required standards of conduct.
 - Where an allegation has been made against a member of the Executive or Central Team undertaking an investigation, or delegating the investigation to a nominee.
 - In cases involving a member of the Executive or Central Team or Headteacher where the CEO did not lead the investigation, chairing the disciplinary hearing and deciding on the appropriate level of disciplinary action, including dismissal.
 - Acting as ultimate decision maker, where the CEO has not been involved in the investigation or formal disciplinary meetings, to any appeals by members of staff who are not a member of the Executive Team or Central Team, Headteacher or other Member of School Leadership Team following disciplinary or grievance procedures through the establishment of an appeals panel.
- c. The Director of Education is responsible for:
- Where an allegation has been made about a Headteacher, undertaking an investigation or delegating the investigation to a nominee.
 - Supporting the Head with disciplinary cases of other staff at the school.
 - Ensuring the Designated Safeguarding Lead has been notified when safeguarding issues are involved.
 - Chairing the disciplinary hearing and deciding on the appropriate level of disciplinary action, including dismissal, of members of the school leadership team.
 - Acting as Chair in a disciplinary meeting for other hubs where the local hub Director of Education was involved in the investigation.
- d. The Local Governance Committees are responsible for:
- Ensuring a culture is established where employees are supported and assisted in achieving and maintaining the required standards of conduct.
 - Supporting the Head with disciplinary cases at the school, if required.
- e. The Head is responsible for:
- The day-to-day implementation of this policy and maintaining discipline and the adherence to rules, policies and standards among all staff.
 - Ensuring this policy and associated procedures are readily available to all employees and can be accessed in an appropriate format.
 - Where an allegation has been made about a member of the Senior Leadership Team, undertaking an investigation.
 - Where an allegation has been made about any other member of school staff, nominating a senior school employee to complete the investigation.
 - Chairing the disciplinary hearing and deciding upon and initiating the appropriate level of disciplinary action, including dismissal for school staff, excluding members of the Senior Leadership Team.

- Ensuring records are kept of all disciplinary meetings and communications with employees.
 - Ensuring that all documentation relating to disciplinary issues is retained in accordance with the Trust's retention policy.
 - If a matter progresses to a disciplinary hearing, presenting details of the employee's failure to meet and maintain the required standards of conduct.
 - Communicating the outcomes of disciplinary procedures to employees.
 - If a matter concerns a safeguarding issue, ensuring the Designated Safeguarding Lead has been notified in cases where the DSL is not the Headteacher.
- f. All Staff are responsible for:
- Familiarising themselves with the standards outlined in the Professional Expectations and Standards Policy.
 - Adhering to the provisions outlined in this policy and cooperating with the disciplinary procedure.
 - Attending all meetings, interviews and hearings that take place in accordance with this policy and its associated procedure.
 - Lodging appeals to the Head/CEO within five working days of receiving a decision.
 - If choosing to be accompanied to a disciplinary or appeal hearing, notifying the Chair who their chosen companion is, in good time before the hearing.
- g. Before any disciplinary decision is made, the employee will be advised of the allegations against them and will be given the opportunity to state their case. The employee will be notified in writing of the allegations to be answered (plus any documentary evidence) before the disciplinary hearing.
- h. The employee must make every effort to attend an investigative interview or disciplinary hearing and failure to attend, without good reason, may be treated as misconduct in itself. If the employee fails to attend without good reason, or if they are persistently unable to do so (for example, for health reasons), the school may have to take a decision in the employee's absence, based on the available evidence.
- i. At any disciplinary hearing or appeal hearing, the employee will have the right to put forward their case. The school will only consider evidence presented by the employee which is relevant to the allegations.
- j. The Chair will manage the time and resources allocated to a disciplinary matter, including managing the time of a disciplinary hearing and allocating time within a disciplinary hearing. This may result in limiting the amount of time allocated to an employee to present their case.
- k. The decision and reasons will be communicated in writing to the employee.
- l. An employee will be advised of their right of appeal and how to exercise that right.

4. Definitions

What is misconduct?

- a. Misconduct involves an employee breaking specific rules about behaviour or conduct, that does not fall within the definition of 'gross misconduct' below. It is conduct that falls below expected standards and is usually wilful. There may be occasions when negligent conduct amounts to misconduct.
- b. Examples of misconduct include the following. This list is not exhaustive:
 - Minor misuse of school and / or Pickwick Academy Trust facilities such as email and internet.
 - Poor time keeping.
 - Unauthorised absences.
 - Failure to improve development needs that build into a pattern of unacceptable behaviour, performance, or attitude.
 - Undermining the achievement of team, service, or corporate goals.
 - Wilful failure to adapt to changing technologies, methods, and patterns of work (as distinct from inability to adapt which is dealt with under the capability procedure).
 - Insubordination.
 - Contravention of minor safety regulations.
 - Any act of omission that might be otherwise, if the context and impact were judged to be more serious, be dealt with as a matter of gross misconduct.

What is gross misconduct?

- c. Gross misconduct is a term used to describe serious misconduct, which may destroy the employment contract between the employer and the employee and make further working relationships and trust impossible.
- d. Examples of the sort of conduct that could be regarded as gross misconduct, rendering the employee liable to dismissal without notice, or payment in lieu of notice are:
 - Failure to comply with the school's Child Protection Policy and any other linked policies including but not limited to Staff Behaviour Policy and Online Safety Policy, and a failure to commit to safeguarding and promoting the welfare of children.
 - Dishonesty, including theft, fraud, or deliberate falsification of records or acceptance of bribes.
 - Physical violence or bullying against other employees, pupils, or members of the public.
 - Deliberate and serious damage to school or trust property.
 - Misuse of the school's property or name or bringing the school and/ or trust into disrepute.
 - Serious abuse of the school's computer equipment / software; including deliberately accessing internet sites containing pornographic, offensive,

or obscene material. Serious insubordination, including serious act(s) or persistent repetition of a failure to comply with a reasonable instruction.

- Unlawful discrimination or harassment.
- Being under the influence of illegal drugs or alcohol whilst at work.
- Causing loss, damage or injury through serious negligence.
- A serious breach of health and safety rules.
- Knowingly attending the workplace with an infectious illness.
- A serious breach of trust and/or confidence.
- Breach of any professional code of conduct applicable to the job, which could bring the profession, the school and/or Pickwick Academy Trust into serious disrepute.
- Serious negligence which causes or might cause unacceptable loss, damage, or injury.
- Failure to notify the school of any professional sanction.
- A relevant criminal conviction that undermines the school and/or Pickwick Academy Trust's confidence in the employee and/or undermines the employee's ability to undertake their work.
- Misuse of official position for personal gain.
- Making untrue allegations in bad faith against a colleague.

5. The Right to be Accompanied

- a. The employee may bring a companion to any disciplinary or appeal hearing under this procedure. The companion may be either a trade union representative or a work colleague not involved in the matter. The employee must tell the Chair who their chosen companion is, in good time before the hearing.
- b. A companion is allowed reasonable time off from duties, without loss of pay, but no one is obliged to act as a companion if they do not wish to do so.
- c. If the choice of companion is unreasonable, the school may ask for the employee to choose someone else. For example:
 - If in the school's opinion the employee's companion may have a conflict of interest or may prejudice the hearing.
 - If the companion is unavailable at the time a hearing is scheduled and will not be available for more than five working dates afterwards.
- d. The school may, at its absolute discretion, allow the employee to bring a companion who is not a work colleague or union representative (for example, a case worker or a member of family) if this will help the employee overcome a disability.
- e. At a hearing, the companion may make representations to the school, make notes on behalf of the employee, and ask questions but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a hearing.

6. Suspension

- a. In certain circumstances, consideration may be given to suspending the member of staff from their place of work at the outset of the investigation or at any stage during the course of the investigation. Suspension should be as a last resort after consideration of how to mitigate risk whilst following the disciplinary process.
- b. The purpose of any suspension must only be to temporarily remove the member of staff from the trust/ school site(s) and access to emails and network, in order to preserve evidence required for a disciplinary investigation, or prevent any tampering with or access to evidence or potential witnesses.
- c. The trust/ school will consider and document why suspension may be necessary before making this decision, before deciding to suspend an employee, the Head/ Line Manager should assess the degree of risk involved and will consider an alternative to suspension, where possible (please see Appendix Two).
- d. The suspension will be for no longer than is necessary, the school will confirm the arrangements to the employee in writing.
- e. The decision to suspend a member of staff may only be taken by a Head once the case has been discussed with the Director of Education for the Hub or CEO and a HR representative.
- f. Where the suspension involves the Head or a member of the Central Team, the CEO has the power to suspend, and may delegate this power to a Director of Education or CFOO (if the CEO is absent or is unable to exercise delegation powers, authority lines set out in the Business Continuity Plan will be followed) who should consult HR and must notify the Chair of the appropriate Local Governance Committee (if applicable) and the Chair of the Trust Board.
- g. Where the suspension involves the CEO, the Chair of Trustees has the power to suspend and must notify the Trust Board.
- h. While the employee is suspended, they should not visit the school site or contact any of its pupils, parents, governors, trustees, or colleagues, unless the employee has been authorised to do so by their manager. Access to IT systems may also be suspended as a matter of course for suspended employees.
- i. Suspension of this kind is not a disciplinary penalty and does not imply any guilt or that a decision has already been made about the allegations. The employee will continue to receive their salary during the period of suspension.
- j. The school will provide a point of contact for employees who are suspended whilst under investigation to obtain advice on the process and progress of their case.

- k. Every effort will be made to avoid lengthy periods of suspension. The decision to suspend, and the conditions of suspension, will be reviewed periodically and the employee will be updated as, and when, necessary.

7. Investigations

- a. Prior to taking the decision to invoke the disciplinary procedure, the Headteacher will ensure that a thorough investigation is carried out. The purpose of an investigation is for the school to establish a fair and balanced view of the facts relating to any disciplinary allegations against an employee, before deciding whether to proceed with a disciplinary hearing.
- b. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any relevant witnesses, and/or reviewing relevant documents. See Investigation Toolkit on the R Drive for further details on how to conduct an investigation. Appendix One outlines the investigation process.
- c. Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- d. An employee does not have the right to bring a companion to an investigative interview; however, the school may, at its discretion, allow an employee to bring a companion if it helps the employee to overcome a disability or in exceptional circumstances.
- e. The employee must co-operate fully and promptly in any investigation. This will include informing the school of the names of any relevant witnesses, disclosing any relevant documents to the school, and attending investigative interviews if required. Any failure to comply may lead to disciplinary action.
- f. It is incumbent on the employee, during the investigation stage, to raise details of additional witnesses whom the school should interview during the investigation.

8. Criminal Charges

- a. Where the employee's conduct is the subject of a criminal investigation, charge or conviction, the school will investigate the facts before deciding whether to take formal disciplinary action.
- b. The school will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the school may have to take a decision based on the available evidence.
- c. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the school/Trust considers that it is

relevant to the employee's ongoing employment, or it is likely to affect the school's/Trust's reputation.

Informal pre-disciplinary discussion

- a. Where appropriate, prior to using the formal aspects of the Trust's disciplinary procedure, a pre-disciplinary discussion will be held with the employee.
- b. For minor misconduct or minor breaches of rules the Headteacher/ Line manager should initially seek to resolve the matter informally by discussion with the employee. In such circumstances, where warranted, such discussions will normally result in an informal warning that any further incidents will result in a formal process being followed. A note of the discussion will be placed on the employee's file clearly marked 'informal' and can be used for future reference. If the informal approach is not successful, the Trust is likely to proceed to the formal disciplinary procedure.
- c. Unlike formal outcomes, informal discussions will not form part of any response to an employee pre-employment reference request from prospective employers.

9. The Disciplinary Invitation

- a. The Head is normally responsible for the arrangements for a disciplinary hearing conducted by the school, though this may be delegated to another senior member of school staff. In the case of a hearing for the Headteacher, this will be the Director of Education. In the case of the Executive Team or Central Team, this will be the CEO and in the case of the CEO, the Clerk to the Trust Board. This includes notifying employees in writing of such hearings, giving at least 10 working days' notice.
- b. The employee should be given details of the specific complaint or allegations and should be informed that either party can provide witness statements and relevant supporting documents for consideration at the hearing, should they so wish. An exchange of all documents expected to be referred to at the hearing should take place at least 5 working days before the hearing.
- c. The school will make provision for any reasonable adjustments to accommodate the needs of a person with disabilities at the meeting. The school should be informed of requirements at least 48 hours before the hearing.
- d. If their chosen companion cannot attend, an employee may offer a reasonable alternative date and time within five working days of the original date, unless mutually agreed otherwise.

10. Failure of Employee to Attend

- a. An employee who cannot attend a meeting should inform the Head/CEO as far in advance as possible.

- b. If the employee fails to attend through circumstances beyond their control e.g., illness, the Head/CEO should rearrange the first meeting to another date.
- c. Sickness absence must be supported by a medical certificate.
- d. Pickwick Academy Trust reserves the right to go ahead with a disciplinary meeting which has already been rescheduled where a date cannot be agreed within 5 days of the previously declined date.
- e. A decision to proceed may be taken in the employee's absence if they fail to attend the rearranged meeting without good reason. The employee should be aware of this possibility.

11. Procedure at Disciplinary Hearing

- a. At the beginning of the hearing, the Chair will introduce those present and the purpose of the meeting. The employee will be reminded of their right to be accompanied (if the employee has not chosen to be accompanied by a trade union representative or a work colleague).
- b. The Chair will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond to and present any relevant evidence.
- c. Witness evidence (save for additional matters that the employee wishes to raise) is provided through witness statements. There is no automatic right for the school / Trust or the employee to call witnesses to the disciplinary hearing.
- d. Should the employee wish to question the evidence provided by a witness in the investigation then this should be raised by the employee during the investigation or upon receipt of the investigation documents.
- e. The employee will be given a full opportunity to ask questions and put forward any mitigating factors which they believe are relevant to the allegations.
- f. Once the employee has been afforded an opportunity to explain their position, the Chair will adjourn and deliberate the evidence carefully before making a decision.
- g. After deliberation the chair will give the decision and explain the reasons for the decision and confirm as soon as possible in writing.
- h. The chair may adjourn the disciplinary hearing at any point if the employee needs time to compose themselves or any further investigations are required in light of any new points the employee has raised at the hearing.
- i. The employee will be given a reasonable opportunity to consider and comment on any new information obtained before a decision is given.

- j. A written confidential record will be taken throughout the Disciplinary Hearing, these will be an accurate but non-verbatim account of the proceedings. The employee will be given the opportunity to review and approve the notes after the hearing.

12. Raising a Grievance

- a. Where an employee raises a grievance during a disciplinary process the disciplinary process may be suspended in order to deal with the grievance.
- b. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. A discussion will therefore take place between trust/ school management, Human Resources, and the employee (normally through their trade union representative or directly if they are not represented) about whether the disciplinary procedure should be suspended so that the grievance issues can be dealt with separately under the grievance procedure or whether the grievance should be raised by the employee following relevant disciplinary interviews, hearing, or at appeal. The Human Resources Advisor will make the final decision as to the action taken if there is a disagreement between the parties.

13. Levels of Disciplinary Action

- a. If the Disciplinary Panel determine that there is a case to answer there are three stages, each of which is designed to cover the varying seriousness of the cases. The stages give a proper sequence for persistent cases. Where the case is of sufficient importance or seriousness to use the procedure, disciplinary action will be taken at whatever stage appears appropriate to the circumstances.
- b. Employees are unlikely to be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice and without pay in lieu of notice, or during a probation period where processes may be amended.
- c. The following decisions will be confirmed in writing:
 - **Level 1:** A written warning may be given where the case is of importance or seriousness to bring to the attention of the employee formally. The time limit shall be twelve months from the date of the decision.
 - **Level 2:** A final warning may be given where the case has already involved a written warning and insufficient improvement has been made, where further misconduct has occurred or where the case is of sufficient importance or seriousness. Also, where gross misconduct may not warrant dismissal, for example due to mitigating circumstances. The time limit shall be 18 months from the date of the decision; however, in exceptional circumstances, misconduct may be so serious that if repeated at any time in the future, the likely consequence is dismissal.

- **Level 3: Dismissal.** An employee is likely to be dismissed where the case has already involved the final warning and insufficient improvement has been made or where further misconduct has occurred or where the case is so serious as to constitute gross misconduct or where there is some other substantial reason.
- d. At any level of decision, the panel reserve the right to make recommendations in order to support the employee and enable them to achieve the expected standards.
- e. Breaches of discipline will expire after the specified period of satisfactory conduct but will remain permanently on the employee's personnel file.

14. Alternatives to Dismissal

- a. In some cases, the school may, at its discretion, consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include the following:
 - Demotion or loss of seniority.
 - Transfer to another department or job.
 - Reduction in pay or a loss of future pay increment.

15. The Decision Letter

- a. A letter detailing the decision will be given to the employee and a copy placed on their personnel file if a warning is issued. Following the outcome of the hearing, the decision letter will state:
 - The reason for the decision.
 - The course of action to be followed by the employee.
 - Timescale in which improvement is required, if applicable.
 - Where assistance is required, the assistance which will be made available to the employee (e.g., training and guidance).
 - The date on which the warning will elapse.
 - That further disciplinary action will be considered if there is further misconduct or insufficient improvement within the timescale of the warnings, and in the case of a final written warning that this could result in dismissal.
 - The right of appeal against the decision and how to exercise that right.

16. Time Limit for Warnings

- a. Written Warning: the time limit shall be 12 months from the date of the decision.
- b. Final written warning: the time limit shall be 18 months from the date of the decision.
- c. In exception circumstances, misconduct may be so serious that if repeated at any time in the future, the likely consequence is dismissal and as such a final

written warning may, by exception remain in force for a longer period of time than the policy suggests.

- d. Breaches of discipline will be expired after the specified period of satisfactory conduct but will remain permanently on the employee's personnel file.

17. Right of Appeal

- a. All employees have the right of appeal.
- b. Appeals must be lodged in writing to the Chair within five working days of the decision being communicated to the employee (i.e., usually within five days of the date of the outcome letter). An Appeal Officer and panel will then be appointed, in accordance with the scheme of delegation as outlined in the roles and responsibilities section of this policy.
- c. If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity of pay.
- d. The appeal is intended to consider evidence already submitted, not run a new disciplinary based on new information. However, if any new information does come to light, the Appeal Officer will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.
- e. The school/ trust will give the employee written notice of the date, time, and place of the appeal hearing.
- f. The appeal hearing is not intended to be a complete re-hearing of the matter. It may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the school's discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- g. Where possible, the appeal hearing will be conducted impartially by an alternate senior manager who has not previously been involved in the case. The employee may bring a companion to the appeal hearing.
- h. The Appeal Officer/ Chair of the appeals panel may adjourn the appeal hearing if the school needs to carry out any further investigations in the light of any new points the employee has raised at the meeting.
- i. The employee will be given a reasonable opportunity to consider any new information obtained before a decision is given.
- j. The Appeal Officer/ appeals panel will adjourn to consider the details of the appeal and may do either of the following:

- Confirm the original decision.
 - Revoke the original decision.
 - Substitute a different penalty.
- k. The Appeal Officer/ Chair of the appeals panel will inform the employee in writing of the final decision as soon as possible. The decision of the appeal officer/ chair of the appeals panel is final and there will be no further right of appeal.

18. Written Records

- a. Minutes or notes of the hearing should be taken by a suitable person as arranged by the school and copies of the notes circulated to all parties as soon after the meeting as practical. The notetaker does not take any other part in the formal process unless they are also qualified to carry out the role of an HR Advisor.
- b. A record of the documentation relating to the case will be retained and will include:
- The complaint / problem against the employee.
 - The employee's views / defence.
 - Any grievances raised during the disciplinary process.
 - Findings made, actions taken, and the reasons for actions taken.
 - Whether an appeal was lodged.
 - The outcome of the appeal.
 - Subsequent relevant developments.
 - Notes of any formal meetings.
- c. Records will be treated as confidential and be kept in accordance with the General Data Protection Regulations 2018 so that an employee has the right to request and have access to relevant information but, in certain circumstances (for example to protect a witness) the school may consider it appropriate to withhold some information.
- d. A warning will be deemed expired for disciplinary purposes after the following periods from the date of the hearing when the warning was issued, providing there has been satisfactory conduct and unless, with HR advice, the Head/ Director of Education /CEO or Chair/Trust Board decides to increase these time limits by exception:
- Written warning – 12 months.
 - Final written warning – 18 months.
 - There may be occasions where an employee's conduct is satisfactory throughout the period the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and/or there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any subsequent warning should last.
- e. It is Pickwick Academy Trust's practise to retain disciplinary records, whether live or spent. No disciplinary records relating to the safety and welfare of children and young people will be withdrawn from an employee's personal file for holders of

posts covered by the Rehabilitation of Offenders Act 19874 (Exceptions) Order 1975. Whilst the warning will remain on file, it is not 'live' and will be only considered if it is relevant and reasonable to do so in the context of the responsibility for the protection of children.

19. Referring Misconduct to the Teaching Regulation Agency (TRA)

- a. Allegations of serious professional misconduct by a teacher may be referred to the TRA.
- b. A referral is appropriate if the alleged misconduct is so serious, it warrants a decision on whether a teacher should be prevented from teaching.

20. Managing Child Protection Allegations

- a. Where the allegations involve Child Protection and the alleged behaviour might be criminal, involve harm to a child or put a child at risk of harm, the relevant area LADO (Local Authority Designated Officer for Allegations) at the Local Authority must be notified immediately should the allegation meet the harm threshold. Where appropriate, a strategy meeting attended by appropriate Council Officers, the Police, Social Care, and the Head/CEO) will be convened.
- b. All allegations involving Child Protection will be managed in accordance with the schools Safeguarding and Child Protection policy, Staff Behaviour policy and KCSIE. Where appropriate, depending on the level of allegation or the outcome of an investigation such information will be kept on file in line with KCSIE requirements.
- c. If an individual may have harmed a child or vulnerable adult or put a child or vulnerable adult at risk of harm, a referral to the DBS must be made by the employer.
- d. The Head/CEO may arrange mediation / counselling or take informal action.
- e. If there is a case of misconduct to answer which will require more than informal measures, the matter will be referred to a formal disciplinary hearing before the Head/ Director of Education/CEO or panel of the Trust Board. The employee will be notified in writing.

21. Equality Opportunities

- a. This policy has had an equality impact assessment conducted by a joint equality impact assessment panel.

22. References, Acknowledgements and Associated Documents

- a. This policy has due regard to all relevant legislation and statutory guidance, including but not limited to, the following:
 - The Education Act 2011.

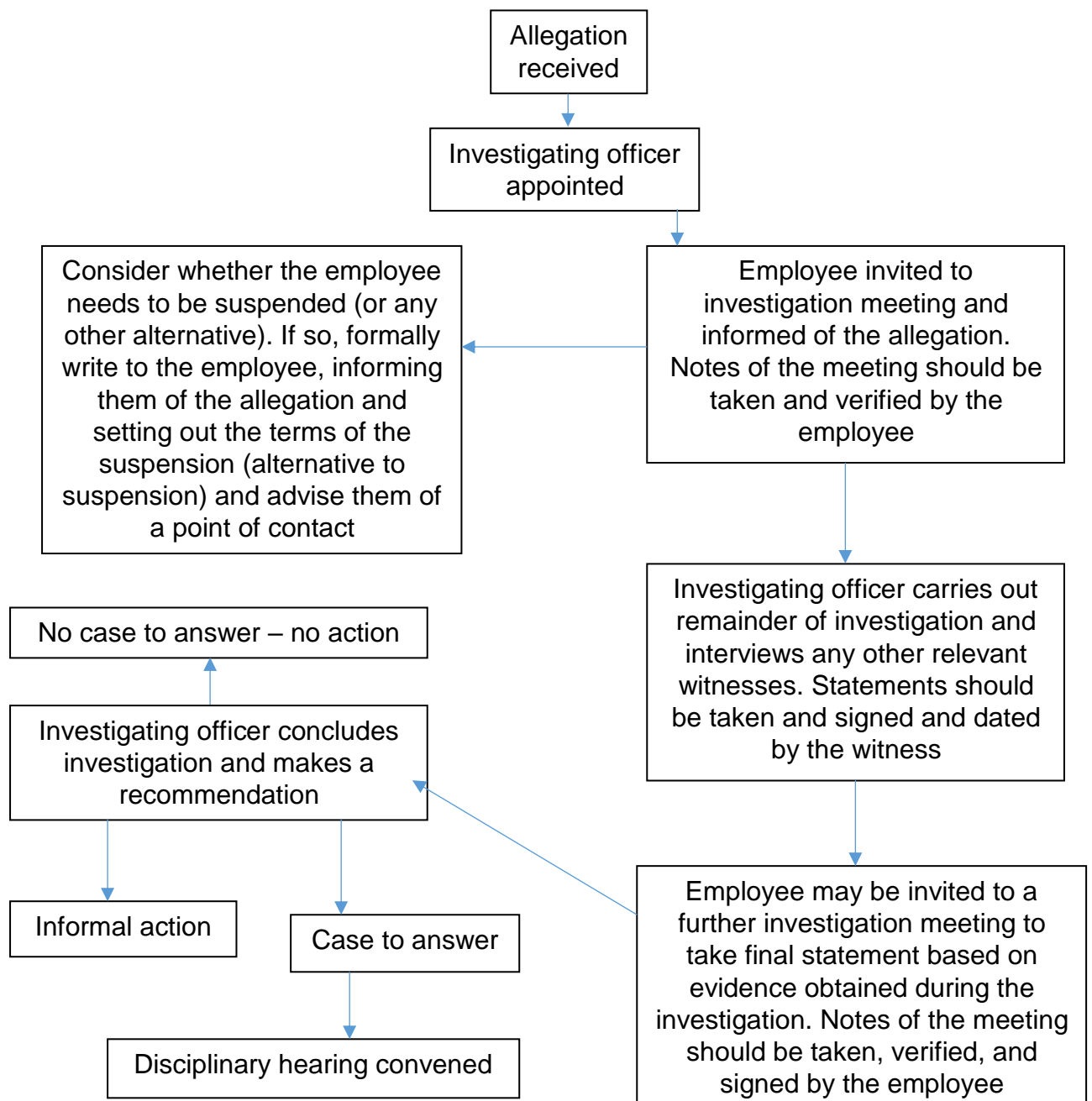
- The Teachers' Disciplinary (England) Regulations 2012.
 - DfE (2022) 'Teacher misconduct: the prohibition of teachers.'
 - DfE (2023) 'Keeping children safe in education'.
 - DfE (2021) 'Teacher Standards'.
 - DfE (2020) 'Teacher misconduct: disciplinary procedures for the teaching profession'.
- b. This policy operates in conjunction with the following trust or school policies and toolkits:
- Records Management Policy
 - Data Protection Policy
 - Staff Behaviour Policy
 - Safeguarding and Child Protection Policy
 - Online Safety Policy
 - Professional Expectations and Standards Policy
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- Grievance Policy
 - Investigation Toolkit

23. Appendices

- a. Appendix 1: Carrying out an investigation flowchart
- b. Appendix 2: Suspension, including risk assessment
- c. Appendix 3: Advice and Support for Colleagues

Appendix 1

Carrying out an investigation



Appendix 2: Suspension from Work

Suspension is a serious action and the decision to suspend should only be made as a last resort. Headteachers must fully consider all the circumstances of the case before deciding upon an appropriate approach. The safeguarding of the pupils and members of staff is paramount in any decision made.

The suspension risk assessment tool (below) must be used prior to any decision being taken about whether to suspend/redeploy or amend the duties of any staff member.

Headteachers/ Line Managers should always discuss and agree any proposed suspensions with their hub Director of Education/CEO and a HR representative. When a decision to suspend is made, the manager with the authority or delegated authority to suspend and a HR representative (where available) will meet with the staff member to confirm the action being taken. Where practicable, the staff member will be allowed to be accompanied at the suspension meeting, but the meeting will not be delayed due to the non-availability of a representative.

At the suspension meeting the manager will:

Provide a brief outline of the alleged misconduct and reason for suspension and explain:

- o Suspension does not constitute formal disciplinary action, nor does it imply any guilt on the employee's behalf.
- o An investigation will be commissioned as speedily as possible.
- o The right to be accompanied by a work colleague or trade union/professional body representative at any future formal meetings.
- o The staff member will be paid their normal salary for the duration of their suspension.
- o Suspension will be for as short a time as possible and will be regularly reviewed.
- o The School/Trust's responsibilities during the suspension.
- o Explain that during full suspension the staff member may not enter School/Central Office premises (other than as a parent in conjunction with their child's education) or contact anyone (apart from their representative) who may be involved as a witness or discuss the issue with other colleagues without the explicit permission of their Headteacher/ Line manager.
- o The staff member will continue to have access to the Employee Assistance Programme, which includes counselling services and their trade union.
- o That the period of suspension will apply to all contracts of employment held by the staff member.
- o The employee's IT access may be restricted or removed depending on the allegation made.

The Headteacher/ Line manager will also:

- Determine a mutually agreeable point of contact and support, for if they have concerns.
- Agree how they will keep in regular contact.
- Ensure the school has the most up to date personal contact email address and phone number for communications regarding their suspension and details of any formal meetings.

- Give details of the EAP helpline or other counselling or support services (Appendix Three).

If it is necessary to explain the staff member's absence to others, the Headteacher/ Line manager will discuss this with the individual to agree on how it will be explained to colleagues and parents (if teaching staff).

The manager should confirm the suspension from work in writing to the staff member no later than three working days after the meeting and should include a copy of the disciplinary and any other related policies with the suspension letter.

The Headteacher/ Line manager should also be responsible for temporarily removing or restricting IT access of the staff member (if appropriate), and temporarily de-activating or requesting the return of the suspended staff member's ID badge.

Periods of suspension should be kept to a minimum and should be reviewed regularly, for example every four weeks or when an investigation has concluded. Where it is apparent that any period of suspension is going to be exceeded the suspending Headteacher/ Line manager should contact the staff member to advise on the period of extension and the reasons for the continued need for suspension and a timetable for the completion of the investigation/formal process.

If the staff member becomes ill while suspended, suspension will continue until the date of the first planned disciplinary meeting provided they remain able to participate as required in the investigation.

If the suspended staff member remains unwell at the time of the first planned or further disciplinary meeting(s) they need to provide the school/ central office with medical certificates to cover the period of sickness, an occupational health referral should be considered to determine whether they are fit to attend any formal meetings. During this period of sickness absence, they will be placed on sick pay and the terms of the staff member's contractual sick pay will apply.

When certified fit for work, or well enough to participate in the process, the employee will revert to suspension on the normal basis.

It is important for staff on suspension to be kept informed of the progress of any incident, complaint or legal investigation in which they have been involved. In particular, staff must be made aware when the investigation has been completed and the findings, recommendations and any action to be taken should be communicated directly to them. They must also be provided with the opportunity to ask any questions they may have.

Risk Assessment – where suspension is being considered. (CONFIDENTIAL)

Suspension should only be considered when it is anticipated that an individual remaining in work may cause a risk to pupils, other members of staff or an investigation. Headteachers/Line managers can also consider temporary redeployment to an alternative role or restrictions to their work to enable a preliminary investigation.

This risk assessment tool is to be used prior to any decision being taken about whether to suspend/redeploy or amend the duties of an employee. This should be done in conjunction with CEO/Director of Education with advice from a HR Representative.

Date:	
Headteacher/ Line Manager:	
Director of Education/ CEO:	
HR Representative:	
Name of Staff Member:	
School/Central Office:	
Issue/Incident:	
Evidence Obtained Prior to Risk Assessment:	

Risk analysis (see table below for grading system)

Risks	Yes	No	Risk Likelihood (L)	Risk Consequence (C)	Score (L x C)
Risk of harm to pupils	<input type="checkbox"/>	<input type="checkbox"/>			
Risk of harm to employees	<input type="checkbox"/>	<input type="checkbox"/>			
Risk of harm to self	<input type="checkbox"/>	<input type="checkbox"/>			
Risk of harm to School/Trust	<input type="checkbox"/>	<input type="checkbox"/>			
Risk of continued fraud	<input type="checkbox"/>	<input type="checkbox"/>			
Risk to effective running of school/Central office	<input type="checkbox"/>	<input type="checkbox"/>			

Risk to investigation process	<input type="checkbox"/>	<input type="checkbox"/>			
Some other substantial reason	<input type="checkbox"/>	<input type="checkbox"/>			

Risk grading structure

To find the score determine the likelihood of the risk in the first row between 1 – 5, then determine the level of consequence should the risk be carried out. The numbers in the chart is the level of calculated risk.

Likelihood (L)	1 – No risk	2 - Unlikely	3 - Possible	4 - Likely	5 – Almost certain
Consequence (C)					
Disastrous = 5	5	10	15	20	25
Major = 4	4	8	12	16	20
Moderate = 3	3	6	9	12	15
Minor = 2	2	4	6	8	10
Negligible = 1	1	2	3	4	5

	1 – 3 Low risk		4 – 6 Moderate		8 – 12 High risk		15 – 25 Extreme risk
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Actions to be taken to reduce risk

Risk	Action to reduce risk	New Risk Rating (following action to reduce risk)

Cont/

Decision on outcomes following risk analysis

Risk Options	Yes	No	Reason
No requirement to take action identified	<input type="checkbox"/>	<input type="checkbox"/>	
Manage the risk and allow the staff member to remain within their role with close supervision	<input type="checkbox"/>	<input type="checkbox"/>	
Reduce the risk and limit duties and/or role within the same position and supervision	<input type="checkbox"/>	<input type="checkbox"/>	
Transfer the risk and redeploy the staff member temporarily to alternative employment within the School and/or Trust	<input type="checkbox"/>	<input type="checkbox"/>	
Avoid the risk and suspend the staff member	<input type="checkbox"/>	<input type="checkbox"/>	

Headteacher/ Line Manager Signature:	Date:
Director of Education/CEO Signature:	Date:

Please ensure a copy of this form is retained on the investigation file.

Appendix 3: Advice and Support for Colleagues

Pickwick Academy Trust recognises that it can be stressful for colleagues who are either under investigation or involved in any formal HR process, or who are required to participate in an investigation.

Anyone who is concerned about this process is encouraged to contact a trusted member of their Senior Leadership Team for details on how to access your schools Employee Assistance Programme who will be able to offer you Counselling, stress management, support, signposting and general advice.

The below are details and contact numbers of other mental health support organisations available to you.

	Wellbeing Tel: 01773 814403 Counselling Tel: 01773 814402 Enquiries: nurse@uk-sas.co.uk
	Tel: 0300 123 3393 (9am – 6pm, Monday to Friday) Website containing guides, information, resources and support - Information & Support Mind, the mental health charity - help for mental health problems The Mind Infoline provides an information and signposting service.
	To start a conversation, text the word 'Shout' to 85258 Trained volunteers available 24/7 to listen and support. Shout is a free, confidential, anonymous service for anyone in the UK.
	Tel: 116 123 (Free of Charge) 24/7 support line with trained volunteer to talk about whatever is on your mind

The Human Resources Team can also be contacted on askhr@pickwickacademytrust.co.uk

Or contact your Accredited Trade Union Representative.