



Girls' Learning Trust

DISCIPLINARY POLICY

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PART A - POLICY

1. POLICY STATEMENT

1.1 The Girls' Learning Trust (the Trust) strives to safeguard the provision of an exceptional education and outcomes for our students. Maintaining the highest standards for our staff to act as positive role models and mentors is integral to this.

1.2 We will support staff to achieve excellent standards by providing opportunities for training and development, to allow them to develop fully.

1.3 Managers of staff have a responsibility to set excellent standards of conduct by their own example and similarly to expect excellent standards of conduct from their teams. Managers should encourage their staff to achieve these standards by giving support, training and opportunities for self-development.

1.4 The aims of this policy are to:

- Help and encourage all employees to achieve and maintain excellent standards of conduct.
- Set out the procedures for when an employee's conduct falls below the expected standard.
- Ensure that all employees are treated fairly and consistently when a disciplinary issue is being dealt with.

1.5 It is not the primary objective of this policy to inflict punitive measures. The main purpose is to encourage an employee whose conduct is unsatisfactory to improve and to provide support where necessary.

1.6 Any disciplinary matter will be dealt with fairly and steps will be taken to establish the facts prior to deciding whether disciplinary action should be taken. Employees will be heard in good faith and each case will be assessed on its own merits.

1.7 This policy should be read in conjunction with the following policies, which can be located on the GLT Staff Zone:

- Capability Policy
- Staff Anti-Harassment & Bullying Policy
- Sickness Absence Policy
- Staff Code of Conduct
- Data Protection & FOI Policy
- Grievance Policy
- Safeguarding & Child Protection Policy

2. SCOPE

2.1 This policy applies to all permanent staff who are employed by the Trust, regardless of length of service. This policy also applies to our casual, zero-hours workers.

2.2 The policy does not apply to agency workers, self-employed contractors or supply staff.

2.3 This policy does not form part of an employee's contract of employment and may be amended at any time.

- 2.4 This policy does not apply where the probationary period has not been satisfactorily completed and dismissal arises from unsuitability for confirmation of appointment.
- 2.5 For the purpose of this policy, misconduct does not cover staff capability or poor performance issues. These are addressed in our Capability Policy.
- 2.6 Any disciplinary action against the Chief Executive Officer shall be taken by the Trustees. The Chair of Trustees is responsible for conducting any necessary investigation that they may delegate to a member, trustee or governor as they determine is appropriate.

3. LEGISLATION & DEFINITIONS

- 3.1 We are required to set out our disciplinary procedures under general employment law.
- 3.2 The procedures outlined in this policy are based on the Acas Code of Practice on disciplinary & grievance procedures.
- 3.3 A disciplinary issue will arise when an employee has not behaved to the standard expected of them. Conduct is about an employee's behaviour, where the employee has control over their actions. Misconduct relates to unacceptable or improper behaviour.
- 3.4 To ensure the expected standards of behaviour, where relevant, staff should refer to:
- Teachers' Standards
 - Staff Code of Conduct
- 3.5 Appendix 1 sets out a non-exhaustive list which includes examples of what we define as misconduct and gross misconduct.
- 3.6 For the purposes of this policy, the following definitions apply:
- A reference to Headteacher also means member of the Senior Leadership for staff who work across the Trust within our shared services.
 - A reference to Senior Leadership team in schools means the CEO, Headteacher, Deputy Headteachers and Assistant Headteachers.
 - A reference to Senior Leadership team in shared services means the CEO, COO and Heads / Directors of Departments.

PART B - PROCEDURE

4. INFORMAL ACTION

4.1 Minor disciplinary issues will be dealt with informally at first. When dealing with an issue informally, the employee's line manager will organise a meeting with the employee and set out the concerns. They will remind the employee of the expected standard of behaviour and consider what support is needed to help them improve. The line manager should keep brief notes of any agreed informal action for reference purposes and should confirm in writing to the employee what has been decided.

5. FORMAL ACTION

5.1 Formal procedures will begin if the issue cannot be dealt with informally or escalated where:

- There has been no resolution.
- The issue is serious enough to warrant escalation.
- There are repeated or multiple instances of misconduct.
- There is suspected gross misconduct.

5.2 The decision to invoke the formal procedure will usually be taken by the Headteacher, or Deputy Headteacher in absence of the Headteacher. The employee will be notified of this in a face-to-face meeting with either their line manager or an appropriate senior colleague, to be held in person or over video conferencing if necessary. This will be followed up in writing within 5 working days.

6. SUSPENSION

6.1 Suspension is the act of telling an employee to temporarily stop carrying out work.

6.2 The Trust may consider suspending an employee while carrying out a disciplinary investigation. This is called suspension pending an investigation.

6.3 Suspension does not mean that an employee has done anything wrong and should not be seen as disciplinary action.

6.4 Suspension will only be considered where we reasonably believe that it will protect any of the following:

- The investigation.
- The school or wider Trust.
- Other employees.
- Our students.
- The individual under investigation.

6.5 Where a suspension has been deemed as necessary:

- The Headteacher or senior leader must authorise the suspension. If it is the Headteacher who is the subject of the disciplinary procedure, the CEO must authorise the suspension.
- The employee will be informed of the suspension in a face-to-face meeting, held in person or over video conferencing if necessary, followed by a notification in writing within 5 working days.
- The employee will be suspended on full pay.
- The suspension will be for no longer than necessary.

7. INVESTIGATION

7.1 It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case.

- 7.2 In some cases this will require the holding of an investigatory meeting with the employee and any relevant witnesses before proceeding to any disciplinary hearing. In others, the investigatory stage will be a collation of evidence by the investigating manager for use at a disciplinary hearing.
- 7.3 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after an investigation has taken place.
- 7.4 Different people will carry out the investigation and the disciplinary hearing.
- 7.5 Employees do not have the statutory right to bring a companion to an investigatory interview. However, employees may be permitted, at the discretion of the investigating manager, to bring a companion if it helps them to overcome a difficulty caused by a disability. A companion should be a colleague, a workplace trade union representative or an official employed by a trade union.
- 7.6 The employee will be informed of the outcome of the investigation in writing as soon as reasonably practicable.
- 7.7 If the investigating manager determines that the matter should move forward to a formal disciplinary hearing, a disciplinary hearing manager will be appointed.

8. DISCIPLINARY HEARING NOTIFICATION

- 8.1 If it is decided that there is a disciplinary case to answer, the employee will receive a written notification at least 5 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include:
- Details of the alleged misconduct and its possible consequences.
 - Copies of any written evidence, including witness statements.
 - The time, date and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant).
 - A statement that the employee has the right to be accompanied.
 - Notification that the Trust intends to call witnesses (if relevant).
 - If the employee intends to call a witness, they should notify the employer.
 - The name of the manager who will conduct the hearing. This will be a member of the senior leadership team.
 - The HR representative who will also be in attendance at the hearing.
 - The confidentiality of the process.

9. DISCIPLINARY HEARING

- 9.1 The employee must make every effort to attend the hearing as failure to attend without good reason may be treated as misconduct in itself. If an employee fails to attend without good reason or is persistently unable to do so (for example for health reasons), the hearing may proceed without the employee and a decision may have to be reached in the employee's absence.
- 9.2 Employees have a statutory right to be accompanied at the hearing by a colleague, a workplace trade union representative or an official employed by a trade union. Employees must notify the hearing manager in advance of the meeting, to allow the hearing manager to prepare a suitable location and time off for the companion if necessary.

- 9.3 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.
- 9.4 If an employee's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the employee, as long as the alternative time is reasonable and not more than 5 working days after the original date.
- 9.5 The companion can address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing, and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the hearing manager from explaining their case.
- 9.6 At the hearing, the hearing manager will explain the case against the employee and go through the evidence that has been gathered. The hearing manager may choose to have the investigating manager present the investigation findings.
- 9.7 The employee will be invited to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.
- 9.8 Employees and their representatives are not permitted to make any electronic recordings of any meetings. Summary notes will be taken by a member of HR or a suitably qualified notetaker.
- 9.9 The Trust reserves the right to electronically record any meetings or hearings. In these circumstances, employees will be informed that a recording is to be made and will be given a copy of the recording upon request.

10. TAKING APPROPRIATE ACTION

- 10.1 The hearing will be concluded and a decision about whether disciplinary action is necessary will be taken. The employee will be informed of the decision in writing as soon as the decision has been made.
- 10.2 Actions taken may be:
- That no further action is required.
 - A verbal or informal warning where it is decided that the action was not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the employee's behaviour, such as a training course or occupational health support.
 - A first written warning for a first instance of misconduct. A further instance may result in a final written warning. A first written warning will usually remain on the employee's personnel file for 12 months. This will set out the nature of the misconduct, the change in behaviour required and that a further instance of misconduct or no change in behaviour within a given timeframe will result in a final warning.
 - A final written warning where the employee has already received a first warning, or where the employee's misconduct was sufficiently serious to warrant a final written warning without a first written warning. The written warning will explain that a further instance of misconduct or no change in behaviour within a given timeframe may result in demotion or dismissal.
 - Dismissal where there has been gross misconduct or a final written warning has already been given.

- 10.3 The power to dismiss staff within the Trust has been delegated to the Headteacher, COO, CEO or Chair of Trustees. Where it is determined that there has been gross misconduct, this will normally lead to summary dismissal (dismissal without notice following a hearing).

11. APPEALS PROCESS

- 11.1 The employee has the right to appeal any disciplinary sanction. Appeals must be made in writing to HR@girlslearningtrust.org within 5 working days of the decision, setting out the grounds for appeal.
- 11.2 Appeals may be made under any of the following terms:
- Where the employee feels that the outcome is too severe.
 - Where the employee believes that any part of the disciplinary process was wrong or unfair.
 - Where the employee has new evidence which they can provide.
 - Where the employee has been dismissed for an unfair reason.
- 11.3 A disciplinary appeal hearing manager will be appointed. This will be an impartial member of the senior leadership team who has not previously been involved in the case or a Trustee.
- 11.4 Appeals will be heard without unreasonable delay, either in person, or over video conferencing if relevant.
- 11.5 Employees' statutory right to be accompanied will apply as with formal disciplinary hearings.
- 11.6 Summary notes will be taken by a member of HR or a suitably qualified notetaker. A copy will be sent to the employee.
- 11.7 The employee will be informed in writing of the results of the appeal hearing as soon as reasonably practicable.

12. SPECIAL CASES

- 12.1 If the employee involved in a disciplinary procedure is also a trade union representative, we will notify the union and discuss the matter with an official employed by the union before action is taken, after obtaining the employee's agreement. The procedure will continue as normal.
- 12.2 If the employee who is subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.
- 12.3 If the employee who is subject to disciplinary procedures raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.
- 12.4 Where an employee's conduct is the subject of a criminal investigation, the Trust will investigate the facts before deciding whether to take formal disciplinary action. Consideration will be given to what effect the charge or conviction has on the employee's suitability to do the job and their relationship with the Trust, their work colleagues and the students. Suspension will be considered in such cases.
- 12.5 Where an employee's conduct is related to safeguarding, the Headteacher will consult the Local Authority Designated Officer (LADO) as per the Safeguarding & Child Protection Policy.

12.6 Any disciplinary action against the Chief Executive Officer shall be taken by the Trustees. The Chair of Trustees is responsible for conducting any necessary investigation that they may delegate to a member, trustee or governor as they determine is appropriate.

13. RECORD KEEPING

13.1 Summary notes will be kept of all interviews and meetings. Where possible, these will be confirmed by the employee as an accurate reflection of what was discussed during the meeting.

13.2 Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law, and our privacy notice.

13.3 If disciplinary action is taken, a record of this will be added to the employee's personnel file.

13.4 We are required to disclose any proven disciplinary offences by an employee if a reference is requested by a future employer.

APPENDIX 1 – INSTANCES AND BEHAVIOURS WE MAY CLASS AS MISCONDUCT

The following lists are not exhaustive.

1. Misconduct

Instances of misconduct include:

- Contravention of the Teachers' Standards
- Unprofessional conduct (for example immoral, dishonourable, discourteous behaviour, rude, offensive or abusive language and conduct which may be harmful to the health, safety and welfare of staff, students and members of the public)
- Unauthorised absence
- Persistent lateness to work
- Failure to follow the policies, practices and requirements of the school or Trust
- Unsatisfactory standards of work (not related to capability)
- Inappropriate use of school facilities
- Uncooperative behaviour
- Failure to comply with reasonable instructions from a more senior member of staff
- Malicious grievance

2. Gross Misconduct

Gross misconduct constitutes acts that by their nature are so serious that they destroy the employment relationship between the Trust and the employee and make any further working relationship and trust impossible.

Instances of gross misconduct include:

- Serious breach of safeguarding responsibilities
- Physical violence or assault
- Discrimination, harassment, victimisation and/or bullying of pupils, colleagues or visitors
- Theft
- Sexual offences or misconduct
- Inappropriate relationships with pupils or any other actions that would be classed as a serious safeguarding issue
- Serious breaches of confidentiality
- Deliberately acting in a way that will cause damage to the school's reputation
- Deliberately damaging school property
- Serious departure from the personal and professional conduct elements of the Teachers' Standards

- Misconduct seriously affecting the education and/or wellbeing of pupils, and particularly where there is a continuing risk
- Actions or behaviours that undermine fundamental British values
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- Sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, the school or colleagues
- Negligence (conduct or a failure to act) which breaches a duty to take care