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Athena Learning Trust Trust-wide Disciplinary Procedure

Review

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2 PURPOSE

- 2.1 To ensure that disciplinary action taken is both fair and reasonable and is applied equitably and with consistency in every case; the main purpose being to help and encourage staff to achieve and maintain acceptable standards of conduct.

3 SCOPE

- 3.1 The procedure applies to all staff employed at the Trust.
- 3.2 Trustees have delegated staff discipline matters and decisions to the CEO and in turn the Principals and the staff discipline committees.
- 3.3 Whenever there are allegations of misconduct relating to inappropriate behaviour/contact/conduct or a risk of harm towards children and young people, it is imperative that the school must contact the Local Area Designated Officer (LADO) or his/her deputy at the earliest opportunity. The LADO may then refer to other agencies to establish a Strategy Meeting to discuss the issues and agree an action plan.
- 3.4 Where there are concerns about the conduct of a trade union representative employed at an academy, early discussions on the circumstances of the case will be had with a full time official of the trade union concerned or a local representative, nominated by the trade union.
- 3.5 It is expected that typically meetings convened under the Procedure will be held during term-time. However, in the interests of best practice, fair treatment and the health and wellbeing of staff, meetings may be held during school holidays with the agreement of all parties - the employee concerned, CEO, Academy Principal, Directors, witnesses, trade union representative/workplace colleague.

If it is not possible to obtain the agreement of all parties to meet in an academy holiday period, the appropriate notice should be given for an alternative term-time date.

4 POLICY STATEMENT

- 4.1 The Trust is fully committed to ensuring that high standards of conduct are achieved and maintained in schools within the Trust. It also considers that all staff accept the need for high standards of conduct, particularly in the school environment, and do not find any difficulty in abiding by them.
- 4.2 However, it is also recognised that situations can arise where an employee may appear to fall short in achieving the required standards of conduct set out in the Trust Code of Conduct. In addressing these issues, the school will ensure that all disciplinary cases



follow the agreed Disciplinary Procedure, with each case being considered on its merits, without unreasonable delay, and in an objective, reasonable, fair and consistent manner.

- 4.3 In most instances, good management practice will prevent recourse to formal disciplinary procedures. However, where the formal procedure *does* need to be applied, it will be done so in accordance with the principles of 'natural justice', that is:-
- in all circumstances where the formal procedure applies the employee will be informed in writing of any concern(s) about his/her conduct and will know the reason for the Disciplinary Procedure being instigated; a copy of this correspondence will be provided for the trade union representative where requested;
 - the employee and/or their representative will be given an early opportunity to explain and account for any alleged misconduct before any disciplinary action is considered; and
 - disciplinary hearings will be conducted fairly and impartially.
- 4.4 The maintenance of satisfactory conduct is the responsibility of **all** staff.
- 4.5 The procedure will be applied in a non-discriminatory way to all staff.
- 4.6 The school will ensure that a copy of the procedure is available to all staff.
- 4.7 During the formal stages of this procedure the employee has a right to be accompanied via a work colleague or trade union representative.

5 CRIMINAL OFFENCES OUTSIDE EMPLOYMENT

- 5.1 A employee will not be dismissed solely because they are the subject of police enquiries or charges relating to a criminal offence outside their employment or they are absent through having been remanded in custody. This applies regardless of whether the offence has any relevance to the duties of the individual as an employee.
- 5.2 On determining whether or not it is appropriate to apply the Disciplinary Procedure, careful consideration will be given to the extent to which the alleged offence is one which deems the employee unsuitable for his or her type of work or unacceptable to colleagues. Should the charges become widely known, consideration will be given as to whether this would be detrimental to the school's interests or in any way weaken public confidence in the conduct of the school's business. In such a case, suspension from duty pending the outcome of police enquiries or legal proceedings may apply (see Section 11 Suspension).
- 5.3 The Disciplinary Procedure may be immediately invoked where this is determined appropriate, having regard to the consequences to the school of not taking such action and the need to ensure that internal investigations do not prejudice police enquiries or legal proceedings (see section 21.1 Police Investigations).



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- 5.4 If, on conviction for any offence, an employee is sentenced to a period of imprisonment, this may not be treated automatically as a reason for dismissal. However, in assembling the facts of the case, the school will need to take into account the effect on the academy of the employee's enforced absence. The outcome may be termination of the contract on the grounds of 'frustration of contract' as the employee is unable to undertake the duties of the position.

6 REFERRALS TO EXTERNAL BODIES

- 6.1 The school will follow all statutory duties and all relevant regulation and guidance when determining whether it is necessary to refer to the Teacher Regulation Agency (TRA) and/or Disclosure and Barring Service (DBS) where the referral guidelines are met.



THE PROCEDURE

7 INFORMAL APPROACH

- 7.1 Minor failures to achieve standards of conduct or adhere to established rules can be dealt with informally in the immediate work environment, i.e. between the line manager and employee. This may take the form of a discussion, and/or advice. The employee will be advised of the improvement in conduct required and the possible consequences of formal action in the event of failure to achieve the required level of improvement.
- 7.2 The informal approach will normally be the first step unless the offence is repeated is serious enough to warrant recourse to the formal procedure. The objective of any such action will be to help the employee improve.
- 7.3 Copies of any notes or correspondence should be kept securely and confidentially on the employee's personal file and a copy given to the employee.
- 7.4 It should be emphasised that it is normal management practice for line managers to speak to their staff informally when necessary about their work or conduct, and that, if approached constructively by both parties; it is unlikely that formal action will be required.
- 7.5 However, if the informal approach does not rectify the situation or if more serious action is deemed necessary, a formal disciplinary investigation will be conducted in accordance with the formal procedure.

8 FORMAL APPROACH

- 8.1 The decision to invoke the formal Disciplinary Procedure rests with the Principal or CEO delegated from the Trust Board.
- 8.2 The Principal is advised to seek advice from HR where necessary at an early stage of proceedings.

9 DISCIPLINARY INVESTIGATION

- 9.1 A full formal investigation into any concerns or allegations regarding the conduct of an employee will be conducted by the immediate line manager in most cases, or a senior employee nominated by the Principal as the Investigating Officer, prior to any hearing being held under this procedure. Investigations will be undertaken as promptly as is practicable, particularly in cases of alleged gross misconduct.
- 9.2 Careful consideration should be given to identifying the appropriate person to undertake the investigation, in most cases this will be a member of the leadership team. In all cases,



the person undertaking the investigation should be senior to the employee facing the concerns or allegations.

- 9.4 If the Investigating Officer is to be accompanied by an HR or an external advisor, then the employee must be offered the opportunity to be accompanied by a workplace colleague or trade union representative. However, there is no statutory right for the employee to be accompanied.
- 9.5 The Investigating Officer will prepare a written report detailing the substance of the allegations, and the facts relevant to the case, for presentation to the Principal.
- 9.6 The timing of such interviews and any notice given will take account of the availability of all the parties and will be determined by the Investigating Officer paying due regard to the circumstances of the case, the overall timetable for the investigation and the need not to unreasonably delay its completion. The unavailability of the employee's preferred companion at the interview will not normally be reason for the interview not taking place or being re-arranged.
- 9.7 The employee will be given written notice in reasonable time of an investigatory interview which will include clear details of the allegation(s).
- 9.8 The Principal on reviewing the report will determine (i) that no further action is required or (ii) whether alternative action (for example, informal counselling/oral caution) is necessary or (iii) whether a formal Disciplinary Hearing is necessary.
- 9.9 A formal disciplinary penalty will only be imposed as a result of a disciplinary hearing where the case has been carefully investigated, all relevant facts considered and the allegations against the employee are founded (or founded on the balance of probability).

10 GROSS MISCONDUCT

- 10.1 Should the Principal believe the alleged misconduct is so serious that it may constitute gross misconduct, s/he may suspend the employee on full pay and without any loss of emoluments, pending a formal investigation.

10.2 Definition of 'Gross Misconduct'

'Gross Misconduct' occurs where an employee acts in a way which is incompatible with the faithful discharge of his or her duty to the employer. The misconduct must be gross or grave, seen in the light of all the circumstances of the case and so serious that it goes to the root of the contract of employment and makes the employee's continued employment incompatible with the best interests of the academy.

Some examples of conduct which potentially amount to gross misconduct (justifying summary dismissal (that is, instant dismissal without notice or payment in lieu of notice) might include:-



- inappropriate behaviour/contact/conduct towards pupils/staff
 - all fraud, theft or serious dishonesty at work
 - deliberate, serious (negligent) acts or behaviors which have the potential to cause serious injury or present a risk of harm to employees or pupils
 - damaging academy property deliberately or recklessly
 - serious violent or threatening behaviour at work
 - deliberate serious breach of confidentiality
 - supplying or being in possession of illegal drugs
 - serious or persistent sexual or racial harassment
 - drunkenness (such as to impair the performance of duties) or being under the influence of illegal drugs during academy hours
 - insolent, abusive or inappropriate behaviour towards parents, pupils, or other members of staff
 - sexual misconduct
 - all or any serious acts of insubordination
- (This list is not exhaustive)*

11 SUSPENSION

- 11.1 Before the decision is taken to suspend an employee, the Principal is advised to seek external advice to confirm that suspension is the most appropriate action as there are other options that may be more appropriate.
- 11.2 However, in the event of a decision being taken to suspend an employee, the Principal will immediately inform the CEO/Chair of Trust Board (in writing or verbally).
- 11.3 At the time of suspension, the employee will be given an adequate opportunity to offer an early explanation. The employee will be encouraged to be accompanied by a trade union representative or a workplace colleague. The non-availability of a specific companion will not result in postponement. HR or an external advisor may also be in attendance. At the interview the employee will be verbally advised of the details of the allegation, that an investigation will be carried out and the anticipated timescales, and that he or she is to be suspended on full pay pending the outcome of the investigation.
- 11.4 This will be confirmed in writing in a letter to the employee with a copy for the workplace colleague or trade union representative.
- 11.5 Suspension will apply in circumstances where it is deemed inappropriate by the Principal for the employee to remain at work while the facts and relevant information are being obtained. Suspension should apply where the allegations may amount to gross misconduct or where an employee is the subject of a police investigation for an alleged offence which is considered relevant to his/her duties. In these cases, suspension will apply for the duration of the disciplinary process but should be regularly reviewed to ensure the suspension of the person is still appropriate. Suspension is not seen as an



entirely neutral act and therefore must only be applied if felt by the Principal, having taken advice, to be appropriate and necessary.

- 11.6 During the period of suspension the employee is required to remain away from their workplace and not to contact work colleagues, other than with the Principal's agreement.
- 11.7 The period of suspension will depend on the complexity of the investigation and may be determined by police enquiries or legal proceedings. It should not be unnecessarily protracted.
- 11.8 The employee's suspension should be reviewed throughout the course of the investigation. The Principal may make the decision to end a suspension.
- 11.9 Suspended employees will be advised of confidential counselling services where appropriate, should they or their family require suitable support as a result of the suspension.
- 11.10 A suitable colleague should be nominated to maintain contact with the employee during the period of suspension.
- 11.11 The employee will be required to assist the academy with its investigations or to attend a disciplinary hearing.

12 DISCIPLINARY ACTION

- 12.1 Where, following an investigation, a Disciplinary Hearing is considered necessary this will be convened at one of four stages determined according to the nature and extent of any previous action and the seriousness of the concerns.

12.2 Stage One

Where an informal approach has not achieved the desired outcome or where the situation warrants moving directly into the formal procedure, and there are minor matters under consideration.

12.3 Stage Two

Where matters dealt with by action at Stage One continue to be of concern, where there is an accumulation of minor matters not previously considered under the formal procedure or where there are more serious concerns about conduct or performance.

12.4 Stage Three

Where matters dealt with at Stage One or Stage Two continue to be of concern or where there are very serious concerns about conduct or performance.

12.5 Stage Four



Where matters dealt with by action at Stage One, Two or Three continue to be of concern or in cases of gross misconduct or gross negligence.

13 PROBATIONARY PERIOD

- 13.1 During the first 6 months of employment, any conduct which does not conform to the standards required may be discussed with the employee on an informal basis in the first instance and the employee will be given a reasonable time in which to improve. Should the employee not meet the required standards of conduct within the period for improvement, formal action will be taken at Stages Two and Four of the procedure. Stages One and Three will therefore not apply.

14 DISCIPLINARY HEARING

- 14.1 In the event of formal disciplinary action being taken the employee will be requested, in writing, to attend a disciplinary hearing. In most cases, **a minimum of 2 calendar weeks' notice** (see also section 1:11) will be given in order to allow the employee reasonable time to prepare their case (see paragraph 14.2 below). In certain circumstances, this period can be curtailed if all parties agree at the outset and in the best interests of the employee. The employee will be advised in writing of the right to be represented by a workplace colleague or (recognised) trade union representative.
- 14.2 In exceptional circumstances, it may be appropriate to provide a longer period of notice for a disciplinary hearing. Such circumstances would include complex cases with extensive documentation and cases requiring the involvement of a senior regional trade union representative whose availability may be restricted.
- 14.3 The letter convening the hearing sent to the employee will include clear details of the allegation(s). Copies of all documents to be referred to at the hearing and details of all witnesses to be presented at the hearing by the person conducting the hearing will also accompany the letter sent to the employee. The employee and/or the representative should provide names of witnesses and copies of any documents they intend to refer to at the hearing as soon as reasonably practicable but not less than 1 calendar week before the hearing.
- 14.4 Where a workplace colleague or trade union representative are not available on the proposed date, the employee can offer an alternative time and date so long as it is reasonable and is within 1 calendar week of the original scheduled date. Only 1 postponement will be allowed. (If this relates to school holidays, see Section 1.11 Introduction.)
- 14.5 During the course of the hearing, the employee's representative should be allowed to address the hearing to put and sum up the employee's case on their behalf and confer with the employee during the hearing. The representative does not, however, have the right to answer questions on behalf of the employee.



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- 14.6 The disciplinary hearing, in most cases, will be conducted by the Principal. The staff disciplinary committee will form the panel and may consist of the Principal and a senior leader/manager for minor alleged disciplinary breaches, or the Principal and governors/trustees for more serious allegations. The constitution of the panel will depend on the nature of the alleged misconduct.
- 14.7 Where the Principal is the Investigating Officer, or presenting the case against an employee, it may be more appropriate for the CEO or a staff disciplinary committee to make up the panel to hear the case. HR or an external advisor will be invited to attend for the purpose of giving advice.
- 14.8 In the event that there is an indication that the employee will not attend the hearing, the Principal should contact HR for further advice. It may be necessary to conduct the hearing in the employee's absence. This option would only apply as a last resort where all other alternative options of conducting the hearing had been exhausted.
- 14.9 Disciplinary Hearings will follow a set procedure to ensure fairness and consistency in process (see appendix).
- 14.10 Disciplinary letters will be handed personally to the employee wherever possible. However, where this is not practicable, the letter will be posted by recorded delivery to the employee, at his/her home address, marked 'STRICTLY CONFIDENTIAL'.
- 14.11 Hard copy notes of the hearing will be retained securely and confidentially on the employee's personal file, for the specified time periods stated under each of the potential disciplinary sanctions outlined in Section 15. A copy may be made available to the employee on request.

15 DISCIPLINARY SANCTIONS

- 15.1 The outcomes of a disciplinary hearing will depend upon the circumstances of the case, but may include any of the following formal disciplinary sanctions.
- 15.2 The employee will be asked, at the end of the disciplinary hearing, whether s/he wished a copy of the letter to be sent to their trade union representative or workplace colleague. A copy should **not** be sent without the employee's permission.

WARNINGS

- 15.3 The outcome of the hearing, including the reasons for the decision, will be confirmed to the employee in writing within **1 calendar week** of the hearing.



15.4 **Stage One - Oral Warning**

- If an oral warning is deemed necessary, the employee will be informed that his/her conduct is expected to improve. Objectives may be specified to confirm the accepted standard and it will be made clear by the supervisor that if further acts of misconduct occur, then further disciplinary action may be taken.
- An oral warning will remain active for a period of **6 months** after the hearing and will be disregarded for future disciplinary purposes.

15.5 **Stage Two - Written Warning**

- In the case of more serious concerns or a repeat of the misconduct for which an oral warning has been given, the employee may be given a formal written warning.
- If a written warning is determined, the employee will be informed that should any further act of misconduct occur, further disciplinary action may be taken.
- A written warning will remain active for a period of **12 months** after the hearing and will be disregarded for future disciplinary purposes.

15.6 **Stage Three - Final Written Warning**

- In the case of very serious concerns, or a repeat of the misconduct for which a written warning was issued, a final written warning may be issued.
- If a final warning is determined, the employee will be informed that should any further act of misconduct occur, further disciplinary action may be taken.
- A final warning will normally remain active for a maximum of **12 months** after the hearing (with the exception of the circumstance where a final written warning is issued as an alternative to dismissal – see paragraph 18.1) and will normally be disregarded for future disciplinary purposes.

16 **WARNINGS – ADDITIONAL GUIDANCE**

16.1 Warnings should cease to be live following the specified period of satisfactory conduct and should be disregarded for future disciplinary purposes.

16.2 However, depending on the nature of the case, the panel may impose a final written warning that will remain in force for a period of greater than 1 year. This is particularly so where the imposition of a lesser penalty is an act of leniency (see Section 18 Other Options). In this event, the employee must be informed in writing how long the warning will remain active and the reason for the longer time period.



17 **DISMISSAL**

- 17.1 In circumstances where gross misconduct is being considered, it is recommended that the Principal involves governors/trustees (the staff discipline committee) in the disciplinary panel in the interests of objectivity. (If the dismissal relates to a Principal, see Section 21.8 Disciplinary Action against a Principal.)
- 17.2 HR/an external advisor will be invited to attend a Disciplinary Hearing to give advice where dismissal is the potential outcome. The Principal/disciplinary Panel will need to consider any advice given prior to making a decision to dismiss.
- 17.4 If the decision is taken to dismiss, the employee will be advised verbally at the hearing of the decision and of the right of appeal (unless otherwise agreed). This decision will be confirmed in writing to the employee, within 1 calendar week. This letter will state the date of dismissal (with or without notice) and will include the right of appeal.
- 17.5 In the case of summary dismissal for gross misconduct, the date of dismissal will be the date of the disciplinary panel's decision to dismiss and pay will be stopped immediately. Should the dismissal be overturned at appeal, pay will be reinstated from the date of dismissal.
- 17.6 Should the employee choose not to stay to hear the outcome, the decision will only be given and confirmed in writing to the employee. A second copy of the letter will be enclosed for the employee to forward to his/her trade union representative.

18 **OTHER OPTIONS**

- 18.1 As an alternative to dismissal, there may be circumstances which warrant other penalties. These may include, where feasible, sanctions such as redeployment, transfer, change or removal of duties, or downgrading; all of which may have an impact on an individual's earnings. These sanctions may be implemented together with a final written warning. Advice will be sought from HR. Such a final written warning will normally remain active for an extended period of greater than 12 months (as is the usual time span of a final written warning, referred to in paragraph 15.6) and will then be disregarded for future disciplinary purposes.
- 18.2 When action other than dismissal is taken, the employee will be warned that if further acts of misconduct occur whilst the warning is still "active" the Disciplinary Procedure may again be invoked.

19 **APPEALS**

- 19.1 The Appeals Panel will receive all documentation considered at the Disciplinary Hearing. The employee and his/her representative may make verbal and/or written submissions.



- 19.2 The Appeals Panel, having considered the matter, may confirm the decision made, uphold the appeal, impose a lesser penalty or, where new evidence not available to the person(s) who made the original decision is presented, send the matter back to that person(s) for further consideration.
- 19.3 Should an appeal be upheld, reference to the disciplinary action will be removed immediately from the personal file of the employee, unless less serious disciplinary action is decided upon by the Appeals Panel.
- 19.4 The employee will be asked, at the end of the appeal hearing, whether s/he wished a copy of the letter to be sent to their trade union representative or workplace colleague. A copy should **not** be sent without the employee's permission.
- 19.5 The Appeals Panel may announce their decision verbally, but the outcome will be confirmed to the employee in writing within **2 calendar weeks** of the appeal. This decision is final.
- 19.6 **Oral, Written and Final Written Warnings**
- Appeals against oral or written warnings must be made by the employee in writing to the Principal/Chair of the panel, depending on who made the disciplinary decision or, where the appellant is the Principal, to the Chair of Governors, outlining the reason for the appeal, within **2 calendar weeks** of receiving written confirmation of the warning. The appeal must clearly detail the grounds on which the appeal is being made. A failure to clearly state the grounds of the appeal within the 2 week period will result in the appeal being out of time.
 - Appeals will be heard, where practicable, within **2 calendar weeks** of receipt of the appeal application.
 - Appeals against oral and written warnings will be heard by an appeal panel comprised of a staff disciplinary committee. The appeal panel will exclude any members who sat on the disciplinary panel which made the original recommendation to issue an oral/written warning. In addition, the number of individuals constituting the appeal panel cannot be less than the number of individuals who sat on the disciplinary panel which made the decision to issue the warning.
 - An appeal against an oral, written or final written warning will give specific consideration to the grounds of appeal as identified in the employee's letter of appeal and will not typically be conducted as a full re-hearing of the case.
 - The outcome of the appeal, including the reason for the decision, will be confirmed in writing within **1 calendar week**.



20 APPEALS AGAINST DISMISSAL

- 20.1 An appeal against dismissal may be made by the employee in writing to the Principal/Panel Chair or, where the appellant is the CEO/Principal to the Chair of Trustees, outlining the reason for the appeal, within **2 calendar weeks** of receiving the written confirmation of the dismissal. The appeal must clearly detail the grounds on which the appeal is being made. A failure to clearly state the grounds of the appeal within the 2 week period will result in the appeal being out of time.
- 20.2 Appeals will be heard, where practicable, within **2 calendar weeks** of receipt of the appeal application.
- 20.3 The appeal will be heard by an appeals panel of at least 3 (which may be made up of CEO/Governors/Trustees) who have not been involved in any previous action or decision connected with the dismissal. Where there are not enough panel members available, the appeal may be heard by a panel of 2. Where applicable, there should be an equal panel number on dismissal hearings and appeal hearings.
- 20.4 Appeals against dismissal may take the form of a full hearing of the case or a consideration of the points of appeal, depending on the grounds for dismissal and appeal grounds. Further advice should be sought from HR.
- 20.5 Notice terminating employment should be issued by the Chair of the Panel following any dismissal decision. This termination can be with or without notice (as in the case of summary dismissal for gross misconduct where pay ceases at the date of the disciplinary panel's decision to dismiss). Where a contract is terminated without notice because of the conduct of the employee, the termination may be rescinded if an appeal is upheld.

21 OTHER RELATED MATTERS

21.1 Police Investigations

- 21.2 Where the misconduct is such that the police are also conducting a criminal investigation into the same allegations, there can be difficulty and delay in collecting information due to awaiting the outcome of the police investigation.
- 21.3 Disciplinary proceedings should not commence alongside police investigations until careful consideration in consultation with the police/LADO has been undertaken to ascertain the appropriateness of commencing internal disciplinary proceedings whilst police investigations are underway. Police investigations do not determine disciplinary issues which will include assessment of wider issues than whether a crime has been committed.
- 21.4 The circumstances of each case should be carefully considered prior to making the decision to pursue a disciplinary investigation where police investigations are underway. In making the decision how to proceed, the school must liaise with the police/LADO in



order to identify whether an internal investigation can be carried out without the employee incriminating themselves in relation to the criminal proceedings.

Considerations to be borne in mind when making this decision may include how long the police enquiries will take to conclude, the extent to which this may be accommodated by the school, the extent to which the employee can respond to the allegations without implicating their position in the criminal investigation and whether a sufficiently full investigation can be undertaken under the circumstances.

- 21.5 Statements made to the police by potential witnesses in the disciplinary proceedings, including the accused employee, can and should be made available for use in the disciplinary proceedings provided consent is given by the individual making the statement.

21.6 Investigation Following Resignation

- 21.7 The fact that a person resigns must not prevent an allegation being followed up. It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children. This includes cases in which the person concerned refuses to co-operate with the process. Wherever possible the person should be given a full opportunity to answer the allegation and make representations. However, the process of recording the allegation and any supporting evidence, and reaching a judgement about whether it can be regarded as substantiated should continue even if the person does not co-operate or respond. It may not be possible to apply disciplinary sanctions if a person's notice period expires before completion of the process but it is important to reach and record a conclusion wherever possible.

21.8 Disciplinary Action Against a Principal or the CEO

- 21.9 Where a Principal is the subject of disciplinary action, the Chair of Trustees may request the CEO or another Trustee to present the case against the Principal to a panel of Trustees. Where the CEO is the subject of disciplinary action, the Chair of Trustees may request another Trustee or external representative to present the case against the CEO to a panel of Trustees.
- 21.10 Where the Chair of Trustees believes the alleged misconduct of a Principal or the CEO is so serious that it may constitute 'gross misconduct', he/she will take immediate advice from at least 2 other Trustees and may take external advice before suspending the CEO/Principal on full pay pending a formal investigation.

21.11 Grievance Raised During the Disciplinary Process

- 21.12 If in the course of a disciplinary process, an employee raises a grievance that is related to the case, the Grievance Procedure may apply. The Principal should consult HR. Depending on the nature of the grievance, consideration may need to be given to who continues to deal with the disciplinary process.

- 21.13 As a general rule the following guidelines will apply:



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- Where an employee raises a grievance during a disciplinary process, the process may be temporarily suspended in order to deal with the grievance.
- However where the grievance is related to the disciplinary case it is recommended that both issues are dealt with concurrently.



PROCEDURE TO BE FOLLOWED AT DISCIPLINARY HEARINGS

The chairperson should introduce all those present to the member of staff and explain the role of each person at the hearing, including clarification of the role of both the accompanying person and any advisor to the panel and/or Principal/Investigating Officer.

- The Investigating Officer/Principal will present his/her case in the presence of the member of staff concerned (and his/her representative). Witnesses may be called.
- The member of staff (or his/her representative) and the panel may ask questions of the Investigating Officer/Principal and of his/her witnesses.
- Each witness will leave the hearing after having given evidence. Once witnesses have been questioned, they may not be recalled.
- The member of staff (or his/her representative) will present his/her case in the presence of the Investigating Officer. Witnesses may be called.
- The panel and the Investigating Officer/Principal may ask questions of the member of staff (or his/her representative) and of his/her witnesses.
- Each witness will leave the hearing after having given evidence. Once witnesses have been questioned, they may not be recalled.
- If at this stage the panel decides that further evidence is required, the hearing may be adjourned at this stage for the evidence to be made available.
- The Investigating Officer/Principal will then sum up his/her case. No new evidence may be introduced at this stage.
- The member of staff (or his/her representative) will sum up his/her case. No new evidence may be introduced at this stage.
- The Investigating Officer/Principal, the member of staff (and his/her representative) will then withdraw. The panel will deliberate in private. Either party may be asked to return to clarify a point of uncertainty. If this occurs then both parties shall be recalled together.
- The person chairing the hearing shall give the decision, which may be either orally or in writing.



PROCEDURE TO BE FOLLOWED AT APPEAL HEARINGS

- The appellant (or his/her representative) will present his/her grounds for appeal in the presence of the Principal and may call witnesses.
- The Principal and the Chair of the Appeals Panel will have the opportunity to ask questions of the appellant (or his/her representatives) and of his/her witnesses.
- Each witness will leave the hearing after having given evidence. Once witnesses have been questioned, they may not be recalled.
- The Principal will put forward his/her case in the presence of the appellant (and his/her representative) and may call witnesses.
- The appellant (or his/her representative) and the Chair of the Appeals Panel will have the opportunity to ask questions of the Principal and of his/her witnesses.
- Each witness will leave the hearing after having given evidence. Once witnesses have been questioned, they may not be recalled.
- The appellant (or his/her representative) will be given the opportunity to sum up the case. No new evidence may be introduced at this stage.
- The Principal will be given the opportunity to sum up the case. No new evidence may be introduced at this stage.
- The Principal and the appellant (and his/her representative) will now withdraw.
- The Appeals Panel will deliberate in private, only recalling the Principal and the appellant to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return.
- The Appeals Panel will announce the decision to the parties.