

DISCIPLINE AND DISMISSAL AT WORK POLICY

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1. Introduction

The Trust aspires to be an employer of choice and recognises as part of that its responsibility to set out clear expectations regarding the conduct and behaviour of its employees. It also recognises the legal and good practice requirement to clearly set out how a failure to follow these rules will be dealt with. This policy and the associated procedures aim to meet this responsibility and to provide a framework to encourage good conduct and to deal with situations where conduct and behaviour is not to the required standard. The policy also recognises the importance of having fair procedures to deal with particular aspects of the employment relationship. There are therefore, procedures aligned to this policy, specifically:

- The Disciplinary Procedure, to be followed where standards of conduct and/or behaviour do not meet required or acceptable standards
- The Dismissal Procedure, which sets out the process for dismissals relating to termination of a fixed-term contract, situations where continued employment would be in breach of the law or where there is some other substantial reason warranting a dismissal

2. Aims

This policy and the disciplinary procedure are designed to help and encourage all Trust employees to achieve and maintain their standards of conduct, which are set out in the Disciplinary Procedure. The policy aims to ensure fair and consistent treatment of all Trust employees.

The aim of this policy is to ensure employees are aware of the standards they are required to meet and of behaviours they should demonstrate towards colleagues and customers at work

3. Principles

Where appropriate, and possible informal action will be considered as a way of resolving any problems in the first instance.

No disciplinary action will be taken against an employee until the case has been fully investigated. In cases of formal action, the employee will be advised of the nature of the complaints or allegations made against them and will be given the opportunity to state their case before any decision is made at a Disciplinary Hearing.

Employees will be provided, where appropriate with written copies of evidence and relevant witness statements prior to a Disciplinary Hearing.

The employee has the right to be accompanied to any Formal Hearings. The Trust has extended this right to be accompanied to any formal meetings. The employee may be accompanied by a trade union representative, work colleague or, at the discretion of the Trust, a friend. The right does not extend to informal meetings regarding employee conduct and performance.

Employees have a right of appeal against any formal disciplinary sanction, which is applied to them. Details of this are set out in the Disciplinary Procedure.

Employees will not be dismissed for a first breach of discipline except where this is so serious it constitutes gross misconduct, where the sanction will be summary dismissal, i.e. dismissal without notice or a payment in lieu of it.

While the aim is to resolve issues informally wherever possible it may be necessary for the school to enter the procedure at any of its formal stages in light of the nature of the misconduct.

4. Delegated authority

Formal meetings under the Dismissal Procedure and Disciplinary Hearings should be chaired by the Headteacher/CEO or a senior manager with delegated powers who will have authority to terminate the Contract of Employment. Where the Headteacher has undertaken other stages of the process with the employee, the meeting or hearing shall be undertaken by the CEO or an appropriate Academy Committee/Trustee Panel where applicable.

Where the Headteacher or CEO is themselves the subject of the meeting or hearing, then the meeting or hearing shall be undertaken by an appropriate Academy Committee/Trustee Panel.

Appeals against dismissal will be heard by an appropriate Academy Committee/Trustee Panel. Where the termination involves a Headteacher or CEO, the majority of members of the panel will not have been involved in the original decision to dismiss.

All other stages of the process should be undertaken by a Manager under delegated authority from the CEO/Headteacher, or by the CEO/Headteacher. Where the CEO/Headteacher is themselves the subject of the process then the process shall be undertaken by an appropriate Academy Committee/Trustee.

5. Responsibilities

Individual Employees

Employees must ensure that they are aware of their responsibilities with regard to conduct and work performance and the likely consequence of failure to meet these obligations.

Employees must also ensure that they familiarise themselves with general rules and procedures referred to in their conditions of service, and also to specific working rules and procedures relating to their area of work.

Where employees are subject to this procedure it is their responsibility to attend any meeting called and/or to arrange representation and to advise of this within specified timescales.

CEO/Headteachers/Line managers

It is the responsibility of the Headteacher or, where delegated within the Trust, the line manager to ensure their staff are aware of general rules, procedures, guidelines and standards with which they are expected to comply. It is also their responsibility to identify where employees' actions and/or conduct are unacceptable and take appropriate action. Where these matters are serious and/or cannot be appropriately dealt with through normal supervision then the provisions of this procedure should be applied.

Witnesses who are employees of the Trust will be expected to attend to give evidence at the Formal Hearing if requested by the Presenting Officer or at the Hearing. In the interests of natural justice, they are asked to attend if requested by the employee or their representative.

6. Referral to statutory agencies

Due to the nature of the Trust's work, it may be necessary to refer cases to outside bodies at any stage of the Disciplinary or Dismissals Procedures. This may be to obtain professional advice, or it may be to comply with a statutory obligation. If the concerns relate to financial matters the Trust Auditors should be advised and they will consider whether they should investigate, whether the Police should be notified, or whether it should be referred back for consideration under the Disciplinary Procedure.

The CEO/Headteachers/Managers must have particular regard to their responsibilities in respect of safeguarding children and young people and, where applicable, vulnerable adults. If their concerns relate to such issues in respect of action and/or conduct of a member of staff, they must notify Southend-on-Sea Borough Council's Safeguarding and Child Protection Co-ordinator in respect of children and young people, or Safeguarding Vulnerable Adults Manager in respect of vulnerable adults, immediately.

The Trust may also have to refer matters to the Disclosure and Barring Service, (DBS) or to the National College for Teaching and Leadership (NCTL). This may be at the stage where a relevant concern is raised and/or where it is necessary to dismiss an employee on safeguarding grounds.

Any referrals will be made in accordance with relevant legal requirements and the codes of the referral body.

7. Special Considerations

7.1 Trade union officials: Normal disciplinary rules will apply to trade union representatives but where allegations are made against one the case should be discussed with a full-time officer of the trade union after the employee's agreement is obtained.

Scope

- This policy applies to all employees of the Trust
- The term 'employee' refers to any member of staff whether teaching or non-teaching employed to work by the Trust either within an Academy or the wider Trust
- Changes in Employment Law or Educational Legislation may form part of the policy.

Delegation

- The term 'Headteacher' refers to Executive Headteacher/Headteacher/ CEO
- As per the policy, or where delegated authority has been give to another Senior Manager