



The Cornerstone Academy

The best in everyone™

Part of United Learning

POLICY NAME:	UL Disciplinary (Staff) Policy
POLICY TYPE:	UL

DATE RATIFIED:	October 2023
DATE FOR NEXT REVIEW:	October 2024
REVIEWED EVERY 1/2/3 YEARS:	Yearly

NOTES:

United Learning Disciplinary Policy

Scope

The policy and procedure set out in this document applies to all staff employed by United Church Schools Trust ("UCST") and United Learning Trust ("ULT") including teaching, non-teaching, fixed-term, part-time, full-time, permanent and temporary staff. The two companies (UCST and ULT) are referred to in this policy as 'United Learning'.

Where this policy refers to 'School' or 'Head Teacher' within Central Office this should be interpreted to refer to the department where a member of staff works and their Head of Department. Where, in the case of formal hearings, it refers to the attendance of the Chairperson of the Local Governing Body, this should be substituted to mean another Executive Team member, other than the individuals own Head of Department.

When conducting formal hearings please refer to the 'United Learning Guidance on process to be followed at Disciplinary/Grievance/Capability Hearings and Appeals' (available on the United Hub).

As a values-led organisation our values of ambition, confidence, creativity, respect, enthusiasm and determination are key to our purpose and underpin all that we do.

1. Introduction

- 1.1 This procedure has been designed to help and encourage all our employees to achieve and maintain required United Learning standards of conduct. It is intended to ensure that all staff are treated fairly, consistently, in accordance with United Learning's Equality Policy and that they are aware of the steps to be followed in the event of an alleged breach of discipline. Where disciplinary action is required, it is clearly in the best interests of both the employee and United Learning that all disciplinary actions are prompt, consistent and impartial.

2. Disciplinary Action

- 2.1 Failure by you to meet required standards of conduct as specified in published United Learning Policies and Procedures will be regarded as a breach of discipline.
- 2.2 It is the policy of United Learning that any complaint made in writing by a parent or guardian/carer of a student shall be referred to the Head Teacher for investigation. Anonymous complaints will not be referred for investigation under any formal procedure.
- 2.3 Whether or not as a result of such a complaint, when a disciplinary matter arises, the Head Teacher will nominate a person (the Investigating Officer) to establish the facts promptly before recollections fade, and, where appropriate, obtain statements from any available witnesses. Having reviewed the outcome of the investigation the Head Teacher will decide whether to drop the matter or arrange for the matter to be dealt with under the disciplinary procedure. You would be formally notified of the person appointed to investigate an allegation of misconduct and they will always be different to the person who chairs any disciplinary

hearing. Investigating Officers will have received adequate training or be experienced in the task, will not have been involved in the circumstances giving rise to the disciplinary situation. If you are the subject of a management investigation meeting with an Investigating Officer into your conduct, then you have the right to be accompanied by a colleague or a trade union representative. Such a meeting to be held at a mutually convenient time.

- 2.4 If it is decided that the matter is to be dealt with under the disciplinary procedure the Head Teacher will inform you as to this effect and will set out the alleged misconduct in writing. You will also receive written notice of the hearing date (see 3.2 below) and that you are entitled to be accompanied at the hearing by a work colleague or your trade union representative.
- 2.5 This procedure will not be used in every situation where the Head Teacher or a senior manager has concerns about a person's conduct. Minor shortfalls from acceptable standards of conduct may be dealt with informally as part of day-to-day management, through advice, counselling and standard setting. You will be informed what improvement is expected from you, within what timescale and that further occurrences could lead to formal disciplinary action under this procedure being taken against you. A memorandum of any informal discussions, proposed actions and decisions may be made and a copy provided to you and your trade union representative if so requested, but will not be used as a warning within this procedure.
- 2.6 No disciplinary action will be taken against an accredited trade union representative until the appropriate local or regional senior officer/official has been informed.

3. Hearings or Meetings including Appeals

- 3.1 Any disciplinary action (i.e. written warning, suspension or dismissal) will only be taken after a hearing or meeting and in accordance with the following procedure.
- 3.2 You will be given:
 - a) Not less than seven working days' notice in writing of any disciplinary hearing and you will be informed in writing of the complaints made against you and given copies of all relevant documents and any supporting evidence. In addition, both you and the School should provide the other with details of any witnesses that you intend to call or witness statements, at least two working days before the hearing.
 - b) Not less than seven working days' notice in writing of the hearing of an appeal against a warning;
 - c) Not less than ten working days' notice in writing of the hearing of an appeal against dismissal.
- 3.3 Where it is envisaged that the potential outcome of a hearing may lead to a final warning or to a dismissal, you will be informed of that possibility in writing prior to the hearing, in accordance with 3.2 (a) above.
- 3.4 Unless otherwise agreed by you, any hearing or appeal will take place during a working day. For the purposes of this clause working days are those days when you are required to be available to perform your duties in accordance with the terms of your contract of employment.

- 3.5 At any disciplinary hearing or appeal the School will explain the complaint against you and you will be given an opportunity to ask questions of the School and any previously notified witnesses in attendance, present your case and call any previously notified relevant witnesses, or present witness statements, before any decisions are reached.
- 3.6 At any disciplinary hearing or appeal you will have the right to be accompanied by a colleague from your School or your trade union representative. Your chosen companion may; address the hearing to put/sum up your case; respond on your behalf to any views expressed; or confer with you. However, they may not answer questions on your behalf;
- 3.7 The disciplinary procedure may be initiated by the Head Teacher or by a senior manager
- 3.8 At any disciplinary hearing the Head Teacher may arrange for an appropriate person to be present as a witness and/or to present the evidence if required. The Head Teacher may also arrange for someone to take notes to create a written record of the meeting.
- 3.9 All meetings will be minuted and a copy provided to you and your trade union representative (if you have chosen to be so represented) within at least seven working days.
- 3.10 An HR Business Partner, or a qualified HR Officer at school level, will be present at all disciplinary or appeal hearings and consulted before any disciplinary action is taken.
- 3.11 Where the issue being considered requires specialist advice from a specific professional expert e.g. a child protection practitioner, then this will be obtained before any decision is taken. Details of any such advice that has been taken into account when reaching a decision will be contained within the written communication of the result of the hearing.
- 3.12 In fixing a date for a meeting under this procedure, every effort will be made to find a mutually convenient date including taking account of the availability of your chosen representative. Where you are persistently unable or unwilling to attend a disciplinary meeting without good cause the School may, depending on the circumstances, make a decision on the available evidence.
- 3.13 You will be informed in writing of the decision of any disciplinary hearing or appeal within seven working days, although decisions will not normally be communicated on the day and this letter will clearly set out the rationale behind the decision taken.
- 3.14 In informing you of the decision of any disciplinary hearing, you will also be informed of your right of appeal.
- 3.15 An appeal hearing will take place on a working day as soon as is reasonable and practicable after the original warning or decision to dismiss, bearing in mind the particular circumstances of the case.

4. Warnings

- 4.1 If your alleged misconduct cannot be resolved informally as part of day-to-day management (see 2.5 above), or if a first offence is sufficiently serious, you may be given a first written warning after a disciplinary hearing by the Head Teacher or senior manager.
- 4.2 If there is further misconduct you may be given a final written warning after a disciplinary hearing (subject to the conditions specified in 3 above), by the Head Teacher or senior manager.

- 4.3 A first warning may be a final warning if the incident concerned is of sufficient gravity. A final written warning will say so and will mention specifically the possibility of dismissal if there is no, or insufficient, improvement.
- 4.4 A written warning will set out the nature of the offence, the change in behaviour required, the likely consequences of further offence and of your right of appeal. Your manager will give you reasonable and appropriate support to assist you in ensuring that such misconduct does not occur again.
- 4.5 Records of warnings will be kept on your personnel file, will expire after one year from the date of issue and will be disregarded after expiry.

5. Gross Misconduct

- 5.1 Gross misconduct may lead to summary dismissal for a first time offence.
- 5.2 A note of examples of what United Learning considers to be gross misconduct is set out in paragraph 9 below. This list is intended to show examples only and is not intended to be exhaustive.

6. Suspension

- 6.1 Suspension is a neutral act and is not considered to be disciplinary action. The Head Teacher may suspend you (subject to their not having been the Investigating Officer, in which case a decision to suspend will be taken by a person nominated by the Chair of the Local Governing Body), for as brief a period as possible, at a formal meeting called for the purpose and with you being given an opportunity, wherever possible, for a colleague or trade union representative to be present. Suspension will result from any suspicion or allegation of gross misconduct or for other good and urgent cause and will be on full pay and from all performance of your duties. A written record confirming your suspension will be provided to you within three working days of the suspension. The Head Teacher will then, unless it is decided that there is no need for further action, arrange a disciplinary hearing in accordance with section 4 of this procedure. Unless you have specific permission from the Head Teacher in writing, you may not be present on any part of the School site during the time of your suspension. All suspensions will be reviewed after each period of 15 working days and written confirmation of the outcome of each review will be provided to you.

7. Dismissal

- 7.1 If, following a final warning against which no appeal has been upheld, there is further misconduct (which does not amount to gross misconduct), the Head Teacher may, whilst adhering to the terms of the disciplinary procedure, terminate your employment with notice. In the event of gross misconduct, the Head Teacher may terminate your employment summarily i.e. without notice. The decision to terminate your employment may only be made after a disciplinary hearing by the Head Teacher and after s/he has consulted the Chair of the Local Governing Body (or in his/her absence his or her appointed nominee).

- 7.2 In appropriate cases, as an alternative to dismissal, consideration may be given (where the circumstances may otherwise warrant dismissal), to redeploying you, with your agreement, to another position as a temporary or permanent measure. In this case your salary and benefits will be adjusted to reflect any reduction in your responsibilities.

8. Appeal against Warnings and against Dismissal

- 8.1 You have the right to appeal against all written warnings issued by managers, other than the Head Teacher, by sending written notice to the Head Teacher within ten working days of notification of the decision, setting out the specific grounds for your appeal. The appeal will be heard by the Head Teacher and a member of the Local Governing Body. Their decision will be final. An HR Business Partner will be present to advise the hearing on matters of law and process.
- 8.2 You have the right to appeal against warnings given by the Head Teacher by sending written notice to the Director of HR within ten working days of notification of the decision, setting out the specific grounds for your appeal. The appeal will be heard by the Chair of the Local Governing Body and an appointed senior officer of United Learning. The people hearing the appeal will not have been involved in the original decision. Their decision will be final. A senior member of the HR team will be present to advise the hearing on matters of law and process.
- 8.3 You have the right to appeal against dismissal by sending written notice to the Director of HR within ten working days of notification of the decision, setting out the specific grounds for your appeal. A committee normally comprising three people, but not less than two people and not more than four, appointed by the Chair of the Local Governing Body and appointed senior officer of United Learning will hear the appeal. The members of the committee will not have been involved with the original decision. The appeal committee may include an appropriate senior officer of the United Learning, e.g. Managing/Education Director, any member of the Board, any member of the Local Governing Body, or any appropriate person nominated by the Chair of the Local Governing Body. A senior member of the HR team will be present to advise the hearing on matters of law and process.
- 8.4 At the appeal hearing:
- a) The Group's legal advisor may be present to advise the appeal committee on matters of law;
 - b) The appeal decision shall be final. If the dismissal is upheld the date of the dismissal shall be the date of dismissal by the Head Teacher.
- 8.5 All appeal hearings will be conducted as outlined within section 3 'Hearings or Meetings including Appeals' of this procedure.
- 8.6 Appeal hearings will normally take the form of a full rehearing of the case against you. However, both yourself and the School can request that new relevant evidence be presented at the hearing. Any such request must be submitted to the appeal panel at least five working days before the hearing. The decision of the appeal panel in this respect is final.

9. Examples of Gross Misconduct

9.1 The Board consider that the following could, but depending on the circumstances, may not necessarily constitute gross misconduct:

- a) Serious deliberate or repeated refusal to obey a proper and reasonable instruction with respect to the teaching and care of students in the School;
- b) Deliberate serious or repeated neglect of duty;
- c) Bringing the School or United Learning into serious disrepute or acting in a manner deliberately to seriously undermine United Learning's principles and Christian ethos. However, it is not intended that anything in the disciplinary procedure will be taken to permit disciplinary action on the basis of a judgement about a member of staff's lifestyle;
- d) A serious breach of safety requirements likely to endanger other people or yourself, or to cause damage to United Learning's property;
- e) Unprofessional disclosure of confidential information and disclosure of information in breach of the Data Protection Act;
- f) Being unfit for work due to the influence of alcohol or prescribed drugs (consideration will be given as to whether the disciplinary procedure is applicable and what support for the individual may be appropriate in the given circumstances);
- g) Unauthorised use of alcohol or prescribed drugs within School premises or during any extracurricular activities organised by the School or in the presence of parents of students during working time or at any time whilst in the company of students;
- h) False claims as to qualifications, experience or previous employment;
- i) Unauthorised removal of United Learning's property;
- j) Stealing from United Learning, its employees, or from students and other offences of dishonesty;
- k) Intentional damage to United Learning's property, including ICT systems;
- l) Serious abuse of United Learning's computer system and of the internet and non-compliance with any policy issued by your School addressing these matters e.g. misuse of social networking sites such as Facebook, Bebo and Myspace or using such a site to contact or communicate with students;
- m) Sexual misconduct at work or involving students of the School whether in school or out of school;
- n) Breaches of United Learning's Equal Opportunities Policy;
- o) Physical assault or fighting at work;
- p) Bullying and/or harassment;
- q) Legal disqualification.

9.2 These examples of gross misconduct are not exhaustive and there may be other offences of a similar gravity which would in the circumstances constitute gross misconduct. The procedure for handling gross misconduct is set out in the disciplinary procedure.

10. Disclosure of Criminal Convictions

- 10.1 A criminal offence committed outside United Learning's employment will not automatically be treated as reason for dismissal. The main consideration will be whether the offence is one that makes you unsuitable for your type of work or unacceptable to parents of students or other employees. You will not be dismissed automatically because a charge against you is pending or because you are absent through having been remanded in custody.
- 10.2 As this post involves contact with children, the Rehabilitation of Offenders Act 1974 does not apply so all criminal convictions and cautions must be disclosed. Failure to do so, or falsification of qualifications or employment history, will render you liable to summary dismissal as explained in the relevant paragraph above.
- 10.3 With the exception of road traffic offences, other than those that can be punished by a sentence of imprisonment, you must declare any Court or Police action taken whilst you are in the employment of United Learning. Such disclosure will not necessarily make you liable for dismissal under the terms above as the main consideration will be whether the offence makes you unsuitable for work in a school or unacceptable to other employees. Failure to disclose will make you liable to summary dismissal as explained in the relevant paragraph above.

11. Employee Support

- 11.1 Employees can obtain free and confidential information, support and counselling on a wide range of work, personal, financial and family issues. All employees can access free support from Health Assured through [Perkbox](#). Health Assured can be contacted through <https://healthassuredeap.co.uk/home/>, 0800 756 0861 or 0800 028 0199. Employees can also contract their trade union for support.

12. Review

For the avoidance of doubt this procedure is non-contractual and United Learning reserves the right to review and amend this procedure. Such a review would also include full consultation with its recognised trade unions.

Version number:	2.0	Target Audience:	All staff
UCST/ULT/Both:	Both	Reason for version change:	Addition of new flowchart as Appendix 1
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Date Last Amended & Issued:	September 2021	Name of individual/department responsible:	HR
Date Last Reviewed (no changes made)	September 2017		
JNC Involvement:	Agreed		

Appendix 1: United Learning Disciplinary Procedure Flowchart

