



Northern Lights
LEARNING TRUST

Code of Conduct and Disciplinary Procedure

Review Date: Autumn 2024

Next review date: Autumn 2027

Person in charge: COO

Link Director: Chair of People and Wellbeing

Northern Lights Learning Trust

Signed off by: Chair of People and Wellbeing

Date from: Autumn 2024

Review Date: Autumn 2027

Pastoral Care/Spiritual Development

The quality of relationships between all members of school staff and pupils, and the relationship with parents and carers is the area that is most commonly associated with the ethos of the schools in our Trust. It is expressed in the terms of sharing and caring. In the Church schools in our Trust, we follow the teachings of:

‘Love your neighbour as yourself’ – Matthew 22:39.

‘This is my commandment: love each other’ - John 15:17.

In our schools we believe every pupil is an individual who is valued for who they are.

We have a series of overlapping networks of relationships, which includes governors, staff, children, parents, church members, and members of the community which the school seeks to serve. Our pastoral work will strive to meet the significant challenge to create and maintain such networks including in our Church schools in ways which reflect the Gospel. Those who are in leadership roles, which includes all who have a particular responsibility, ensure that by their personal example they set the highest standards expected.

It is from this premise that both Christian and spiritual love will pervade all aspects of life at Northern Lights Learning Trust. It will influence how we reward and teach discipline. It will affect how we value work and the achievements of pupils and staff. It will be seen in the way in which the school environments are created and cared for, in the way in which the needs of pupils, parents, and community are met, and in the way in which teaching and non-teaching staff work together effectively as a team. Pastoral care pervades all aspects of school life and therefore will be reflected in the way the schools are organised and the policies are written and implemented.

1 Introduction

- 1.1 This is a Trust-wide policy and the COO has overall responsibility for this policy including keeping it under review. The Code of Conduct and the Disciplinary Procedure set out below are designed to ensure that all employees of the Trust are treated fairly and consistently, to achieve and maintain standards of conduct, and to promote the maintenance of good relations between colleagues. This guidance highlights the reasonable standards of conduct expected.
- 1.2 A high standard of discipline is essential for the efficient and orderly conduct of all academies and business within the Trust and for the safety and well-being of pupils and its entire staff.
- 1.3 You should familiarise yourself with and abide by the Code of Conduct and Disciplinary Procedure. The Disciplinary Procedure applies to all employees. This guidance applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 1.4 The Disciplinary Procedure will be used where there are possible issues of misconduct. This procedure does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, knowledge or training or has genuine sickness absence. In those cases, reference should be made to the Capability Procedure.
- 1.5 Some instances of minor misconduct can be dealt with promptly and without using the Disciplinary Procedure. Where an informal approach is taken, a record of the discussion should be made and the employee asked to sign this and provided with a copy. The record should also be held on the employee's personnel file. A suitable form for this purpose can be found at Appendix 1
- 1.6 The Code of Conduct is non-contractual. The Disciplinary Procedure is for guidance only. It is intended only as a statement of the Trust's procedure or policy and does not form part of any contract of employment or otherwise have contractual effect. The Trust reserves the right to make additions or alterations to the Disciplinary Procedure from time to time and you will be notified of any such additions or alterations.
- 1.7 If you are a teacher then you should read this guidance in conjunction with the following:-

1.7.1 DfE statutory guidance, "Teachers' Standards"

<https://www.gov.uk/government/publications/teachers-standards>

1.7.2 DfE statutory guidance, "Keeping Children Safe in Education" or "KCSIE".

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

1.7.3 DfE statutory guidance, "Working together to safeguard children".

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

1.7.4 DfE statutory guidance, "Behaviour and discipline in schools".

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

1.7.5 DfE statutory guidance, "Use of reasonable force in schools".

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

1.8 The Head has the delegated responsibility and authority to take disciplinary action up to and including dismissal. Any appeal would be held by people not previously involved in the disciplinary process, in line with scheme of delegation.

1.9 If you have difficulty at any stage of the procedure because of a disability or because English is not your first language you should discuss the situation with your line manager or the Head as soon as possible.

2 Code of conduct

2.1 The Code of Conduct covers the main standards of behaviour and performance required by the Trust. The Code includes:

2.1.1 The standards with which you are required to comply;

2.1.2 examples of misconduct falling short of gross misconduct (see Section 12 below); and

2.1.3 examples of misconduct which the Trust normally regards as gross misconduct (see Section 13 below).

2.2 A breach of the Trust rules will normally lead to disciplinary action in accordance with the Disciplinary Procedure. An instance of gross misconduct will normally result in dismissal without notice (summary dismissal).

3 Relationships

3.1 You should:

3.1.1 work in line with the Trust vision, mission and values;

3.1.2 work in line with the expectations of 'The Northern Lights Way';

- 3.1.3 be caring, fair and committed to the best interests of the pupils/students entrusted to your care, and seek to motivate, inspire and celebrate effort and success;
- 3.1.4 acknowledge and respect the uniqueness, individuality and specific needs of pupils/ students and promote their holistic development;
- 3.1.5 be committed to equality and inclusion and to respecting and accommodating diversity including those differences arising from gender, civil status, family status, sexual orientation, religion, age, disability, race, ethnicity, membership of the Traveller community and socio-economic status, and any further grounds as may be referenced in equality legislation in the future;
- 3.1.6 seek to develop positive relationships with pupils/students, colleagues, parents, school management, all responsible for governance and others in the school community, that are characterised by professional integrity and judgement; and
- 3.1.7 work to establish and maintain a culture of mutual trust and respect across the Trust.

4 Professional Integrity

4.1 You should:

- 4.1.1 act with honesty and integrity in all aspects of your work;
- 4.1.2 respect the privacy of others and the confidentiality of information gained in the course of professional practice, unless a legal imperative requires disclosure or there is a legitimate concern for the wellbeing of an individual (any concerns or queries should be discussed with your line manager or the Head);
- 4.1.3 represent yourself, your professional status, qualifications and experience honestly;
- 4.1.4 use your name/names as set out in the Register of Teachers, in the course of your professional duties; and
- 4.1.5 avoid conflict between your professional work and private interests which could reasonably be deemed to impact negatively on pupils/students.

5 Professional Conduct

Teachers should comply with the School Teacher's Standards <https://www.gov.uk/government/publications/teachers-standards>.

Head Teachers should comply with the Head Teacher standards <https://www.gov.uk/government/publications/national-standards-of-excellence-for-headteachers/headteachers-standards-2020#section-2-headteachers-standards>

5.1 You should:

- 5.1.1 uphold the reputation and standing of the profession;
- 5.1.2 take all reasonable steps in relation to the care of pupils/students under your supervision;
- 5.1.3 work within the framework of relevant legislation and regulations;
- 5.1.4 comply with agreed national and Academy policies, procedures and guidelines which aim to promote pupil/student education and welfare and child protection;
- 5.1.5 report, where appropriate, incidents or matters which impact on pupil/student welfare;
- 5.1.6 communicate effectively with pupils/students, colleagues, parents, school management, governors and others in the school community in a manner that is professional, collaborative and supportive, and based on trust and respect;
- 5.1.7 ensure that any communication with pupils/ students, colleagues, parents, school management, governors and others is appropriate;
- 5.1.8 ensure that you do not knowingly access, download or otherwise have in your possession inappropriate materials/images in electronic or other format;
- 5.1.9 ensure that you do not knowingly access, download or otherwise have in your possession, illicit materials/images in electronic or other format;
- 5.1.10 ensure that you do not practise while under the influence of any substance which may impair your fitness to teach/work
- 5.1.11 ensure that mobile phones are switched off and put away whilst working and are only used in staff areas when on breaks; and
- 5.1.12 ensure that you comply with the policies within this Code of Conduct.

6 Professional Practice

6.1 You should:

- 6.1.1 maintain high standards of practice in relation to pupil/student learning, planning, monitoring, assessing, reporting and providing feedback;
- 6.1.2 apply your knowledge and experience in facilitating pupils'/students' holistic development;
- 6.1.3 plan and communicate clear, challenging and achievable expectations for pupils/students;

- 6.1.4 create an environment where pupils/ students can become active agents in the learning process and develop lifelong learning skills;
- 6.1.5 develop teaching, learning and assessment strategies that support differentiated learning in a way that respects the dignity of all pupils/ students;
- 6.1.6 inform your professional judgement and practice by engaging with, and reflecting on, pupil/student development, learning theory, pedagogy, curriculum development, ethical practice, educational policy and legislation;
- 6.1.7 in a context of mutual respect, be open and responsive to constructive feedback regarding your practice and, if necessary, seek appropriate support, advice and guidance;
- 6.1.8 act in the best interest of pupils/students and the Academy and Trust.
- 6.1.9 In non-teaching roles, ensure high standards of practice and engage with professional development.

7 Professional Collegiality and Collaboration

7.1 You should:

- 7.1.1 work with colleagues, apprentices and students in the interests of sharing, developing and supporting good practice and maintaining the highest quality of educational experiences for pupils/students;
- 7.1.2 work in a collaborative manner with pupils/students, parents/guardians, school management, other members of staff, governors, relevant professionals and the wider school community, as appropriate, in seeking to effectively meet the needs of pupils/students;
- 7.1.3 cooperate with the Inspectorate of the Department of Education and other statutory and public non-statutory educational and support services, as appropriate;
- 7.1.4 engage with the planning, implementation and evaluation of curriculum at classroom and Academy level, where applicable to role.

8 Transportation of children in private cars

- 8.1** You may only transport a pupil in your car, as part of school duties, if you have provided the Academy with prior evidence of appropriate business insurance cover;
- 8.2** You should only transport pupils, in relation to school activities, in your private car with the prior written consent of the Head (or deputy in his/her absence) and the prior agreement of the child's parent. Importantly, you must also be accompanied by another adult and should not be alone with the child. In addition, as good practice in maintaining an appropriate professional relationship, it is expected that you will not transport pupils in your own car outside of school except where the pupil's family are

personal friends or family of you. You should obtain the permission of the child's parents to avoid compromising your position.

- 8.3** The normal rules of the road apply, for example all children being transported should be wearing a seat belt and if under 135cms should be on a booster cushion.

9 Physical Contact with children

- 9.1** You should ensure that you comply with the DfE Statutory Guidance – Keeping Children Safe in Education (as amended and updated from time to time).

- 9.2** In order to maintain an appropriate professional relationship, physical contact between you and pupils should be kept to a minimum. Children may be comforted when distressed (see below), and may initiate physical contact in other circumstances, but you should always be aware that innocent physical contact may be misinterpreted by observers or by the recipient. You should avoid putting yourself in potentially compromising situations by observing the following guidelines:

9.2.1 Physical control or restraint must only take place in accordance with the statutory guidance on reasonable force, contained within the DfE guidance – "Keeping Children Safe in Education", as amended and updated from time to time.

9.2.2 When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, you should recognise the additional vulnerability of pupils within these groups.

9.2.3 Intimate touches, including kisses, should never be given to pupils and children who give them to you must be kindly, but firmly, told that it is inappropriate. Some children, (including potentially children with special needs related to social interaction), may persist with this behaviour throughout primary school. In such circumstances you should ensure that other adults including the DSL and Head are aware, continue to firmly discourage the behaviour, and involve the parents in working towards more appropriate social behaviour.

9.2.4 Where a child is distressed or hurt they may seek some sort of physical comfort. You should confine this to the minimum required to comfort the child, for example taking the child's hand, putting a hand on their shoulder. Young children may however actively seek a hug or to sit on your knee. This should never take place privately.

9.2.5 Physical contact may be necessary as part of instruction, for example in PE. Whenever practicable demonstration or instruction without physical contact should be used. In other situations make it clear to the children present what contact will be used and why.

10 Appropriate language

10.1 You must:

10.1.1 not swear in the presence or proximity of pupils;

10.1.2 not use sexual language in the presence or proximity of pupils; and

10.1.3 be polite and use respectful language at all times.

11 Breach of this policy

We take a strict approach to breaches of this guidance, which may be dealt with in accordance with our Disciplinary Procedure as set out below or the Capability / Performance Management policy. Serious breaches of this guidance may amount to gross misconduct which may result in summary dismissal.

12 Misconduct (falling short of gross misconduct)

12.1 Set out below are examples of behaviour which the Trust treats as misconduct falling short of gross misconduct. Such behaviour will normally lead to sanction under the Disciplinary Procedure. You should note that this list is not exhaustive (very serious cases may constitute gross misconduct). Examples include:

12.1.1 failure to adhere to working hours, e.g. persistent lateness;

12.1.2 unauthorised absence;

12.1.3 unacceptable level of absence;

12.1.4 failure to follow the Trust's procedures;

12.1.5 breach of the Trust's policies;

12.1.6 inappropriate dress or appearance which is below acceptable standards;

12.1.7 helping another employee (in any way) to commit a disciplinary offence; and

12.1.8 where a concern is raised which meets the "low level concern" threshold against a child, as set out in Keeping Children Safe in Education.

13 Gross misconduct

13.1 Set out below are examples of behaviour which the Trust treats as gross misconduct. Such behaviour will normally lead to dismissal without notice (summary dismissal). You should note that this list is not exhaustive. Examples include:

13.1.1 theft, dishonesty, or fraud;

- 13.1.2 assault, act of violence, or aggression;
- 13.1.3 unacceptable use of obscene or abusive language (including language of a discriminatory nature);
- 13.1.4 possession or use of non-prescribed drugs on Trust premises or during working hours;
- 13.1.5 possession or consumption of alcohol on Trust premises or during working hours, other than on occasions approved by the Trust;
- 13.1.6 serious incapability at work brought on by alcohol or non-prescribed drugs;
- 13.1.7 wilful damage to the Trust's property or the property of its employees or pupils;
- 13.1.8 serious insubordination;
- 13.1.9 falsification of records or other Trust documents, including those relating to obtaining employment;
- 13.1.10 unlawful discrimination, harassment, bullying or victimisation;
- 13.1.11 refusal to carry out reasonable management instructions;
- 13.1.12 gambling, bribery corruption or tax evasion facilitation;
- 13.1.13 acts of indecency or sexual harassment;
- 13.1.14 inappropriate contact with a minor (under the age of 18);
- 13.1.15 serious breach of the health and safety policies and procedures, or endangering the health and safety of a fellow employee, pupil or third party;
- 13.1.16 breach of confidentiality, including the unauthorised disclosure of Trust affairs to the media or any other party (this rule does not apply to making, in good faith, a protected disclosure within the meaning of Part IVA of the Employment Rights Act 1996 (whistleblowing), to a relevant pay disclosure made in compliance with section 77 of the Equality Act 2010 or to any other disclosure required by law);
- 13.1.17 unauthorised access to or use of computer data or computer hardware;
- 13.1.18 copying of computer software, other than when authorised in the employee's normal course of employment;
- 13.1.19 bringing the Trust into disrepute;
- 13.1.20 misuse of the Trust or school name;

- 13.1.21 serious breach of the Trust's policies or procedures;
- 13.1.22 serious negligence which causes or might cause unacceptable loss, damage or injury; or
- 13.1.23 conviction of a criminal (except for minor road traffic offences) that impacts on your suitability to do your job or your relationship with the Trust, your work colleagues or the Trust's pupils.

14 Disciplinary procedure

- 14.1** The Trust recognises the importance of dealing with disciplinary matters without unreasonable delay.
- 14.2** Minor conduct issues can often be resolved informally between you and your manager or the Headteacher. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal written warning may be given (often termed as a management letter of advice), which will not form part of your disciplinary records.
- 14.3** Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 14.4** Where a concern is raised which meets the "low level concern" threshold against a child, as set out in Keeping Children Safe in Education, the policy "Managing Low level Concerns Policy " should be followed
- 14.5** Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 14.6** You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 14.7** You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential (for example occasions where the witness may be deemed to be vulnerable, or where there is a fear of retaliation).
- 14.8** If you, or your chosen companion, have any difficulty at any stage of the procedure because of a disability or a medical condition, or because English is not your first language, you should contact your Head or line manager. At each stage of the

procedure where appropriate we will consider whether there are any reasonable adjustments that could be made to assist you or your chosen companion.

- 14.9** If you raise a grievance at any stage of the procedure, the Trust may temporarily suspend the disciplinary process in order to deal with your grievance. Alternatively, particularly where the matters are related, the Trust may deal with both issues concurrently.

14.10 *Investigation*

14.10.1 If a complaint of misconduct is made against you, an investigation will usually be carried out the Trust will determine who is an appropriate person to carry out the role of the investigating officer (the investigating officer) if an investigation is necessary. You must cooperate fully and promptly with any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required. The Investigating Officer will be a different person to the person chairing the disciplinary hearing.

14.10.2 If a complaint of misconduct is made against the Head, the Trust will determine who is an appropriate person to carry out the role of Investigating Officer who will be of equal or higher role will be in line with the scheme of delegation. You must co-operate fully and promptly with any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

14.10.3 The Investigating Officer may arrange investigatory meetings to gather evidence in relation to the allegations. If you are invited to an investigatory meeting, the Investigating Officer will write to you and provide the following information:

- (a) Details of the allegations;
- (b) A copy of this Disciplinary Procedure;
- (c) The time and date of the investigatory meetings.

14.10.4 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. 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 you and any witnesses, and/or reviewing relevant documents.

14.10.5 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.

- 14.10.6 You do not have a statutory right to be accompanied at any investigatory meeting but may request to be accompanied by a work colleague or trade union representative. Whether or not such a companion is allowed and, if they are, what their role is will be, is a matter for the Investigating Officer's discretion.
- 14.10.7 In some cases of alleged misconduct, we may need to suspend you from work on full pay while we carry out the investigation or disciplinary procedure (or both). Suspension will not be a knee-jerk reaction and where practicable it shall be made following an initial discussion with you and shall include consideration of the seriousness of the concerns and allegations raised and whether there is a potential risk that the ongoing process may be unduly prejudiced or inappropriately influenced by you remaining at work. Prior to confirming suspension the Trust will consider whether there are any alternatives which would avoid the need for suspension. Should suspension be deemed appropriate then the period of suspension will be for no longer than is necessary to investigate the allegations. The Trust will confirm the arrangements in writing. While suspended you should not visit the Academy where you work or any Trust premises unless authorised to do so in writing; or contact any of our pupils, parents, suppliers, contractors or staff, unless authorised to do so in writing. Suspension is not considered to be disciplinary action.
- 14.11** Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 14.12** We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 14.13** A criminal investigation, charge or conviction or referral to us by Local Authority Designated Officer ("LADO") or similar, relating to conduct or alleged relationships outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.
- 14.14** The Trust has an obligation to refer matters of concern to the LADO, Teacher Regulation Authority and or DBS, as appropriate based on the specific facts of any allegation. Such disclosures may be necessary even where an employee has resigned during a disciplinary process, before any outcome has been reached. The Trust will seek specific advice from the Trust's HR / legal advisers on any required disclosure.
- 14.15** In the event of the Trust becoming aware of any safeguarding allegations including for example, harm to children, which have been made against a member of staff (whether initially reported internally or externally), advice should be sought directly (in line with the DfE Statutory Guidance, 'Keeping Children Safe in Education) from the Designated Safeguarding Lead who should in turn contact the LADO and/or the Police.

14.16 Reference should also be made to the Child Protection and Safeguarding Policy and, where applicable and harm thresholds are not met, the Trust Policy on Managing Low Level Concerns Policy

14.17 The LADO and/or the Police may deem it necessary to arrange for a multi-agency strategy meeting to be held (or at the very least a discussion with, if applicable, the child's case manager) before an investigation is undertaken or disciplinary process (if indicated in relation to a member of staff) is initiated. Such a meeting (or discussion) will clarify the precise nature, content and context of the allegation before determining the appropriate course of management. Sharing information in this way is vital to ensure that the correct action is taken. Additional reference should be made to the Trust's Safeguarding Policy.

14.18 *Attendance at disciplinary and appeal hearings*

14.19 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

14.19.1 a summary of relevant information gathered during the investigation;

14.19.2 a copy of any relevant documents which will be used at the disciplinary hearing; and

14.19.3 a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

14.20 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually 7 days, to prepare your case based on the information we have given you.

14.21 Any evidence that you wish to rely on at the disciplinary hearing must be provided to the chair of the disciplinary hearing at least three working days before the disciplinary hearing.

14.22 You should make every effort to attend any disciplinary hearing (including any appeal hearing). If either you or the person accompanying you cannot attend on the proposed date for the hearing, you may suggest a reasonable alternative date, which must be within 5 working days of the date first proposed. This time limit may be extended by mutual agreement between you and the Trust. If you fail to attend any re-arranged hearing without good cause, the Trust will be entitled to make a decision on the evidence available at the re-arranged hearing in your absence.

- 14.23** You may bring a companion to any investigation meeting, disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. (No other categories of representative will be allowed to attend). You must inform the disciplinary officer of the name of your chosen companion in good time before the meeting or hearing.
- 14.24** Your companion may address the investigation meeting, disciplinary hearing or appeal hearing to put and sum up your case, and confer with you, but may not answer any questions on your behalf.
- 14.25** If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.
- 14.26** We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

14.27 *Levels of disciplinary sanction*

14.27.1 The Disciplinary Officer may decide that no action is necessary.

14.27.2 Very minor cases of misconduct will be dealt with informally, with the objective of improving your conduct. A suitable form for recording informal action can be found at Appendix 2. Where the matter is more serious, or where you have failed to improve your conduct, formal action will be taken as described below.

14.27.3 There are three levels of disciplinary sanction. Other than in cases of gross misconduct, you will not normally be dismissed for a first offence. The Trust reserves the right to impose sanctions at any level, or to skip levels, depending on the circumstances of the case.

(a) *Level 1—Written warning*

In cases of misconduct you may be given a formal written warning. This will give the following information:

- (i) an explanation of the reasons for the warning;
- (ii) an explanation of the improvements in conduct required;
- (iii) the timescale for making these improvements;
- (iv) any support the Company will provide to assist you;
- (v) an explanation of the consequences of any repetition of misconduct or failure to improve conduct to an acceptable standard; and
- (vi) advice as to your right to appeal against the disciplinary decision.

A first written warning will normally remain in force for 6 months and a copy of the warning will be kept on your personnel record. It will normally be disregarded for disciplinary purposes after a period of 6 months, or any longer period specified in the warning, subject to satisfactory conduct and performance during that time but will form a permanent part of your personnel record.

(b) Level 2—Final written warning

In the event of a failure to improve or change behaviour during the period of a prior warning or where the misconduct, infringement or offence is sufficiently serious to warrant only one written warning before dismissal, a final written warning may be given to you. This will give the following information:

- (i) an explanation of the reasons for the warning;
- (ii) an explanation of the improvements in conduct required;
- (iii) the timescale for making these improvements;
- (iv) any support the Trust will provide to assist you;
- (v) an explanation that any repetition of misconduct or failure to improve conduct to an acceptable standard will render you liable to dismissal; and
- (vi) advice as to your right to appeal against the disciplinary decision.

A final written warning will normally remain in force for 12 months and a copy of the final written warning will be kept on your personnel record. In exceptional cases, depending upon the seriousness and nature of the behaviour, misconduct or infringement, the period for which the final written warning remains in force may be longer. The final written warning will normally be disregarded for disciplinary purposes after a period of 12 months or any longer period specified in the warning, subject to satisfactory conduct and performance during that time, but will form a permanent part of your personnel record.

(c) Level 3—Dismissal or other sanction

In the event of a failure to improve or change behaviour or improve conduct during a live prior warning, or where the misconduct, infringement or offence is sufficiently serious to warrant dismissal, or if you are guilty of an act of gross misconduct (see Section 0 above for a non-exhaustive list of examples), dismissal will normally result.

In the case of dismissal (including summary dismissal), you will, as soon as is reasonably practicable, be provided with written confirmation of the dismissal which will set out the following:

- (i) details of the reason for the dismissal;

- (ii) the date on which your employment terminated or will terminate;
- (iii) the appropriate period of notice or pay in lieu of notice (if any); and
- (iv) advice as to your right to appeal against the dismissal.

14.27.4 Action other than dismissal

If a sanction other than dismissal is to be imposed (e.g. demotion, redeployment to another role (where permitted by your contract) and/or extension of a final written warning with a further review period), you will, as soon as is reasonably practicable, be provided with written confirmation of the action to be taken, how it is to be implemented, the reason for the action, the date on which it will come into force (if appropriate) and information on your right to appeal. These sanctions may be used in conjunction with a written warning.

14.27.5 Summary dismissal

If you are guilty of an act of gross misconduct or some other fundamental breach of the Trust's rules or of the contract of employment you may be summarily dismissed. This means that there will be no obligation on the Trust to allow you to work your notice period or make a payment in lieu of notice.

If your behaviour justifies it, the Trust may summarily dismiss you without any previous warning(s) having been given.

14.28 Appeals

14.28.1 If you wish to appeal against a disciplinary decision or sanction, you must inform the Disciplinary Officer in writing within one working week of receiving notification of the disciplinary decision. Your written notification should specify the grounds for the appeal.

14.28.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

14.28.3 If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

14.28.4 All appeals will be dealt with as promptly as possible and a date will be set for the appeal hearing as soon as is reasonably practicable after the Disciplinary Officer has received written notification of your appeal. The appeal will be heard as soon as is reasonably practicable. We will give written notice of the date, time and place of the appeal hearing.

14.28.5 Wherever possible, the appeal will be heard by an appeal manager as appropriate in line with the Scheme of delegation.

14.28.6 The appeal hearing may be a complete re-hearing of the matter or 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 our discretion depending on the circumstances of your case. In any event the appeal will be dealt with impartially.

14.28.7 We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

14.28.8 We will confirm to you in writing the outcome of the appeal hearing as soon as is reasonably practicable. Following the appeal hearing we may:

- a) confirm the original decision;
- b) revoke the original decision; or
- c) substitute a different lesser penalty.

14.28.9 The Appeal decision will be final. There is no further right of appeal.

14.29 *Criminal offences*

14.29.1 If it appears that you may be or have been involved in a criminal offence, the Trust will decide whether the matter should be referred to the police for investigation.

14.29.2 If you are suspected of, charged with or convicted of a criminal offence relating to matters outside your employment with Trust, this will not automatically be a reason for disciplinary action and instead the Trust will consider whether the conduct merits such action based on its employment implications, specifically your suitability to do your job and your relationship with the Trust, your work colleagues or the Trust's pupils.

It is not always necessary for the Trust to await the outcome of criminal proceedings prior to carrying out an investigation or convening or holding a disciplinary hearing

Appendix 1



Informal record of discussion

Name:	Date:
Date of last meeting:	Line Manager:
Discussion Topic	
Training and Development needed:	
Agreed Actions:	
Any other issues or comments:	
Date & time of next meeting:	
Signed: _____ (Line Manager) Date: _____ Signed: _____ (Staff Member) Date: _____	

