



**CtKCC**  
Christ the King  
Catholic Collegiate  
Together as one community  
with Christ at the centre



## Disciplinary Policy and Procedure

Date: June 2021  
Adopted: 17 September 2021  
Review: September 2023



### DEFINITIONS

In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means the academy named at the beginning of this Disciplinary Policy and Procedure and includes all sites upon which the academy undertaking is, from time to time, being carried out.
- ii. 'Academy Trust Company' means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. 'Board' means the Board of Directors of CtKCC and, in the case of an academy, means the Local Governing Body (LGB) appointed from time to time, as appropriate.
- iv. 'Chair' means the Chair of the Board of Directors of CtKCC and, in the case of an academy, means the Local Governing Body appointed from time to time, as appropriate.
- v. 'Clerk' means the Clerk to the Board of Directors or the Chair of the Local Governing Body appointed from time to time, as appropriate.

- vi. 'Companion' means a willing work colleague not involved in the subject matter of the disciplinary proceedings against an employee under this Disciplinary Policy and Procedure, or an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Disciplinary Policy and Procedure.
- vii. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- viii. 'Directors' means the directors appointed to the Board of Directors of CtKCC MAC, from time to time, as appropriate.
- ix. 'Governing Board' means the body carrying out the employment functions of the Multi-Academy Company and such term may include the Board and/or a Local Governing Body of the Academy.
- x. 'Governors' means the governors appointed and elected to the Local Governing Body of the Academy, from time to time as appropriate.
- xi. 'Headteacher' means the substantive headteacher, who is the person with overall responsibility for the day to day management of the academy.
- xii. 'Local Governing Body' means the group of governors appointed and elected to carry out specified functions in relation to the Academy as delegated by the Multi-Academy Company.
- xiii. 'Vice-Chair' means the Vice-Chair of the Board or the Vice-Chair of the Local Governing Body elected from time to time, as appropriate.
- xiv. Misconduct means any action or inaction which contravenes the provisions of the employee's contract of employment, the rules laid down by the Multi-Academy Company and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply and the Capability Policy and Procedure may also apply.

## RECORD OF AMENDMENTS

[illegible]

## **1. SCOPE OF PROCEDURE**

- a. This Disciplinary Policy and Procedure applies to you if you are an employee or worker at the Academy (hereinafter referred to as an “employee” or “you”).
- b. The purpose of this policy is to provide a structure to address any issues or concerns that the Academy Trust Company/Academy may have relating to an employee’s conduct.
- c. An employee is entitled to have access by arrangement to their personal file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulations (GDPR).
- d. The Directors delegate their authority in the manner set out in this policy and procedure.
- e. There may be some occasions where an employee’s lack of capability could also be described as lack of competence. This Disciplinary Policy and Procedure and the Academy’s Capability Policy and Procedure may be used concurrently whilst the Academy endeavours to ascertain if the lack of capability is Misconduct or lack of competence.
- f. There may be occasions where an employee’s conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the CtKCC Managing Attendance At Work (MAAW) Policy and Procedure. In particular, if an employee is absent from work on sick leave following this Disciplinary Policy and Procedure being invoked, the Academy may use its Sickness Absence Policy and Procedure depending on the specific circumstances.
- g. Subject to Paragraph 1.2(a) and (b) of the CtKCC Grievance Resolution Policy and Procedure, there may be occasions when an employee attempts to use the Grievance Resolution Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any automatic delay or pause in the conduct of any matters under this Disciplinary Policy and Procedure.
- h. There may be occasions, for example in relation to child protection allegations, where this procedure needs to be modified to comply with the requirements of the Academy Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to Directors and/or Governors at appropriate stages.
- i. In this policy “working day” means any day on which you would ordinarily work if you were a full time employee. In other words “working day” will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purpose of implementing this policy and procedure.
- j. The Academy is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the school community.

- k. The Appraisal Policy does not form part of any other procedure but relevant information from the appraisal process, including the Appraisal Report, may be taken into account in this Disciplinary Policy and Procedure and/or the Academy's Capability Policy and Procedure.
- l. This Disciplinary Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personnel growth and openness.
- m. The management of unsatisfactory performance and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Disciplinary Policy and Procedure.
- n. The Academy will maintain records of all interviews and reviews which take place under this Disciplinary Policy and Procedure for a period of between 6 and 18 months or longer where necessary and where there is an applicable lawful basis under GDPR for extending the retention period. See the CtKCC Records Management Policy for full details. All data and evidence collected is to be shared between all the relevant parties, where appropriate and where there is an applicable lawful basis under the provisions of the GDPR.

If there is no case to answer, all documents are to be securely destroyed. See the CtKCC Records Management Policy for full details regarding document retention periods.

- o. All matters of managing disciplinary issues and related investigations will be treated in confidence as far as possible by all parties involved throughout all stages of this Disciplinary Policy and Procedure.

## **2. INFORMAL ACTION**

- a. Sometimes potential disciplinary issues can be resolved informally in the workplace. This involves drawing the employee's attention to the perceived unsatisfactory conduct.
- b. Your line manager may give you informal statement of concern at any time about any conduct or performance falling short of the standard expected and in many cases the right word at the right time and in the right way may be all that is needed. This should be recorded on the Statement of Concern form and placed on the employee's personnel file. See template at Annex A.
- c. A statement of concern may be referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach. Written statements of concern will not normally be kept on record for longer than 12 months depending on the circumstances and should not be regarded as disciplinary sanctions.

- d. In the case of two or more different statements on concern, the matter will be escalated to the Headteacher (or equivalent).
- e. Where three or more statements of concern are issued within a 6 month period, the matter will be escalated to the formal disciplinary process.
- f. Failure to comply with informal action should not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

### **3. SUSPENSION**

- a. In cases where the Investigating Manager considers that it is appropriate the Headteacher or the Chair may suspend you for a period of up to ten working days.
- b. Depending on the specific circumstances; the employee should be given the opportunity to attend a suspension meeting to comment on the perceived necessity to suspend within the context of the investigatory purpose before a decision is taken to suspend. The employee may be accompanied by a companion during the suspension meeting, where practicable.
- c. A record should be kept of the determined purpose of suspension for a period of up to 12 months and of any alternatives to suspension that were considered.
- d. The Headteacher must inform the Chair of the suspension or, in the event of suspension by the Chair, the Chair must inform the Local Governing Body (excluding staff Governors).
- e. This period of suspension may be extended subject to review by the Chair every 10 working days. The reason(s) for extending the suspension will be confirmed in writing as soon as reasonably practicable.
- f. Only the Governing Body may end the suspension.
- g. Notification of suspension should ideally be undertaken in person but may, where circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person it will be confirmed in writing.
- h. ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:
  - a. Relationships have broken down
  - b. Gross misconduct is alleged
  - c. There are reasonable concerns that evidence or witnesses could be prejudiced by the employee's presence during the investigation
  - d. There are responsibilities to other parties

- e. It is necessary for the protection of pupils, staff or property
- f. The presence at work of the employee under investigation may be an obstacle to a proper investigation.
- i. Suspension is not intended to be a disciplinary sanction. You will receive full pay and benefits during a period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence).
- j. During a period of suspension the Academy may require that you do not:
  - attend the Academy at any time (except with the prior agreement of the Headteacher or Chair);
  - communicate in any way with parents, pupils or governors except:
    - with the prior agreement of the Headteacher/Chair; or
    - where following the investigation you are called to a formal disciplinary meeting, when you may then approach parents, pupils or governors as potential witnesses but this must be done via the Investigating Manager to avoid any data breach or breach of confidentiality.
  - discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:
    - with the prior agreement of the Headteacher/Chair;
    - for communication with your Companion who is a Trade Union representative;
    - where you are called to an interview with the Investigating Manager or a Disciplinary Meeting, when you approach a Companion who is a colleague; or
    - where you are called to a formal Disciplinary Meeting you may approach work colleagues as potential witnesses in support of your case.
- k. During a period of suspension the Academy may suspend your access to your email account and to the Managed Learning Environment (MLE) / Virtual Learning Environment (VLE).
- l. During a period of suspension the Academy may take such steps as necessary to cover your lessons or other commitments.
- m. During any period of suspension your contractual duties to the Academy and to the Board of Directors (whether express or implied) remain in force and enforceable.

#### 4. INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

- 4.1 The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

<i>Employee Level</i>	<i>Investigating Manager</i>	<i>Disciplinary Manager</i>	<i>Appeal Manager</i>
Headteacher	Chair of Board of Directors or a non-staff Director (other than the Vice Chair of Governors) nominated by the Chair of Board of Directors	Board of Directors' Disciplinary Panel appointed by the Vice-Chair of the Board of Directors	Board of Directors' Appeal Panel appointed by the Vice-Chair of the Board of Directors
Other Leadership Spine and Academy Business Manager	Headteacher	Chair of Board of Directors or a non-staff Director (other than the Vice Chair of the Board of Directors) nominated by the Chair of the Board of Directors	Board of Directors' Appeal Panel appointed by the Vice-Chair of the Board of Directors
Other Teaching Staff	(1) A member of Leadership Team (other than Headteacher) appointed by the Headteacher, or in the event that (1) above cannot be complied with, (2) A person appointed by the Headteacher	Headteacher  OR  In cases where there is a real risk of dismissal, the Chair of the Board or a non-staff Director (other than the Vice-Chair of the Board) nominated by the Chair of the Board ( * )	Directors' Appeal Panel appointed by the Chair of the Board of Directors
Other Support Staff	A person appointed by the Headteacher	Headteacher  OR  In cases where there is a real risk of dismissal, the Chair of the Board or a non-staff Director (other than the Vice-Chair of the Board) nominated by the Chair of the Board of Directors ( * )	Directors' Appeal Panel appointed by the Chair of the Board of Directors

- 4.2 In cases relating to any alleged gross misconduct that would bring the Academy into disrepute, particularly in relation to its religious character, the Chair may act as



Investigating Manager regardless of the level of the employee involved and the Disciplinary Manager may be the Board of Directors' Disciplinary Panel.

- (\*) **In the case of disciplinary action involving Other Teaching Staff and Other Support Staff, the Headteacher should be appointed as Disciplinary Manager. However, if there is a real risk that in the event of the allegations being proven, a member of Other Teaching Staff or Other Support Staff could be dismissed, the Chair of Governors or a non-staff Governor appointed by the Chair (other than Vice-Chair) must act as the Disciplinary Manager. Where the Governing Body amends the table above, it will need to ensure that it has appropriately delegated its power to dismiss.**

**NB: In law, only the Board of Directors, as the employer of staff, has the power to terminate employment. The Multi-Academy Company will need to ensure that it has delegated this power to the Disciplinary Manager.**

## **5. FORMAL PROCESS**

### **5.1 Step 1 - Investigation**

- 5.1.1 The Investigating Manager will conduct an investigation into the alleged misconduct in a timely manner and without undue delay.
- 5.1.2 The Investigating Manager may appoint any other person from within the Academy or an external third party to assist in the investigation.
- 5.1.3 The Investigation Manager will notify you in writing of the fact of the investigation and the allegations made. The investigation will include a face to face interview with you. You will be notified at least 5 working days in advance of a face-to-face interview. If you are unable to attend a face to face interview due to medical reasons, you may provide a written statement or response to the Investigating Manager.
- 5.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.
- 5.1.5 At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct. The report will be sent to the Disciplinary Manager to determine if:
  - a. a Disciplinary Meeting is to be convened in accordance with Step 2 below; or
  - b. There is insufficient evidence to support the allegations of misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure.

The Disciplinary Manager will write to inform you within 5 days of receiving the Investigation Report in order to notify you.

5.1.6 You will be sent a copy of the Investigation Report as soon as reasonably practicable.

## 5.2 **Step 2 – Disciplinary Meeting**

5.2.1 If the Disciplinary Manager decides the Investigation Report contains sufficient evidence that you must attend a formal disciplinary meeting (“the Disciplinary Meeting”) with the appointed Disciplinary Manager, the Disciplinary Manager will write a letter to you within 5 working days of receiving the Investigation Report, inviting you to the Disciplinary Meeting. If dismissal is a possible outcome this will be stated in the Disciplinary Manager’s letter. The letter shall state that any documentation you wish to rely on must be submitted at least 3 days ahead of the Disciplinary Meeting.

5.2.2 The Disciplinary Meeting shall take place at least 5 working days after the Investigation Report was sent to you in accordance with Paragraph 5.1.6.

5.2.3 In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:

- a. Evidence presented in support of the allegations of misconduct against the employee;
- b. Evidence presented in defence of the allegations of misconduct against the employee; and
- c. Where misconduct is admitted, whether in whole or in part, any evidence presented in mitigation.

5.2.4 The Disciplinary Manager may adjourn the Disciplinary Meeting to allow for further investigations in the light of your evidence and will reconvene the Disciplinary Meeting to give you an opportunity to comment on any further evidence produced by further investigations.

5.2.5 The Disciplinary Manager will hear oral evidence when it is considered appropriate to do so and where this will help to assist the investigation process. However, the Disciplinary Manager is not required to hear oral evidence and may rely on written evidence.

5.2.6 If the Disciplinary Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by:

- a. attending the meeting or
- b. reviewing the notes of that oral evidence after the meeting (if you were not present at the meeting when such oral evidence was given).

In the event of b above, you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

5.2.7 Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Meeting in writing to you within 5 working days of the date of the Disciplinary Meeting (“the Disciplinary Decision Letter”) being either:

- a. the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or
- b. that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under this Disciplinary Policy and Procedure.

5.2.8 Annex B gives guidelines on the format of the Disciplinary Hearing Meeting.

### 5.3 **Step 3 – Appeal**

5.3.1 In the event that you are unsatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 working days of the Disciplinary Decision Letter being sent to you.

5.3.2 Your appeal letter must set out the grounds of your appeal in detail. This will enable the Clerk and the Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.

5.3.3 The Appeal Meeting will normally be held within 20 working days of your appeal letter being received by the Clerk. If you are unavailable on the proposed date an alternative date will be offered if possible.

5.3.4 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.

5.3.5 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your credibility in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.

5.3.6 The Appeal Manager is not required to hear oral evidence and may rely on written evidence.

5.3.7 If the Appeal Manager does decide to hear oral evidence, you will be given an opportunity to comment on it either by:

- a. attending the meeting or

- b. reviewing the notes of that oral evidence after meeting (if you were not present at the meeting where such oral evidence was given). In the event of b. you must provide any response to the notes of the oral evidence within 5 working days of receipt of the same.

5.3.8 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are:

- a. the Appeal Manager may uphold the decision of the Disciplinary Manager; or
- b. the Appeal Manager may uphold your appeal and overturn the decision of the Disciplinary Manager.
- c. The Appeal Manager may impose a lesser sanction.

## **6. FORMAL SANCTIONS**

The Disciplinary Manager may impose the following sanctions:

### **6.1 A First Written Warning**

- 6.1.1 A First Written Warning will remain live for **12** months from the date that the Disciplinary Manager's written decision was sent to you.
- 6.1.2 For a first disciplinary offence (ignoring any informal action), a First Written Warning would be the normal response.

### **6.2 A Final Written Warning**

- 6.2.1 A Final Written Warning will remain live for **24** months from the date that the Disciplinary Manager's written decision was sent to you.
- 6.2.2 A Final Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct, if appropriate in the circumstances).
- 6.2.3 A Final Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

### **6.3 Dismissal on notice**

- 6.3.1 Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of misconduct, if appropriate in the circumstances).

6.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

6.3.3 In the event that your employment is terminated in accordance with this Paragraph 6.3:

- a. If your contract of employment contains a garden leave clause the Governing Body may exercise that clause so that you are not required to attend the Academy during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or
- b. If your contract of employment contains a payment in lieu of notice clause the Governing Body may exercise that clause to bring your contract to an end with immediate effect.

#### 6.4 Dismissal without notice or compensation

6.4.1 Dismissal without notice or termination payment (also known as Summary Dismissal) will only occur if you have committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and the Board of Directors.

6.4.2 For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

6.4.3 The following is a **non-exhaustive** list of matters which the MAC considers may amount to gross misconduct:

- conduct incompatible with, or prejudicial to, the religious character of the Academy or the precepts or tenets of the Catholic Church;
- conduct that is likely to bring the Academy or the Church into disrepute;
- conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment;
- failure to disclose your DBS status/submit to a DBS check where requested to do so by the Headteacher and/or the Governing Body;
- a serious breach of any relevant code of conduct or professional standards;
- theft of any property;
- malicious or wilful damage to any property;
- knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not;
- ordering any goods or services on behalf of the Academy from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Finance Committee;
- dishonesty;
- violence to any person;

- unlawfully restraining a pupil;
- abusive threatening or offensive language or behaviour to any person;
- unlawful discrimination or harassment;
- bullying;
- deliberate refusal to carry out a lawful and safe instruction;
- absence from work without leave or reasonable explanation;
- disclosing the contents of any live examination paper or assessment in advance to any pupil or parent;
- concealing any actual or attempted cheating by any pupil or colleague;
- attending work or undertaking duties whilst under the influence of alcohol or unlawful drugs;
- misuse of ICT (including internet and email access and any social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material;
- supplying your personal contact details to a pupil without express authorisation from the Headteacher;
- interacting with a pupil online out of school hours other than through the Managed Learning Environment;
- making any sexual or romantic contact with any pupil whatever the age of the pupil;
- breaching the confidentiality or data protection obligations surrounding the Academy, a parent, pupil, colleague, Governor or Director;
- covert recording of any meetings without the knowledge or consent of all persons present;
- serious breach of health and safety procedures;
- serious negligence (whether or not leading to any actual loss);
- criminal activity during the course of employment;
- making a false malicious or vexatious allegation against the Academy, MAC, a parent, pupil, colleague, Governor or Director.

6.5 In all cases where the formal sanction involves dismissal, the Disciplinary Manager will recommend to the Governing Body that your employment is terminated in accordance with your contract of employment (where appropriate) and the Multi-Academy Company will take steps to terminate your employment.

#### 6.6 Voluntary demotion as an alternative to higher formal sanction

6.6.1 There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your misconduct.

6.6.2 Where Paragraph 6.6.1 applies, the Disciplinary Manager may offer you the option of taking a voluntary demotion as an alternative to a higher formal sanction. Any such offer shall be made in writing.

## **7. GOVERNORS' PANELS**

- 7.1 Governors' Disciplinary and Appeal Panels shall comprise three non-staff Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair unless there are insufficient numbers of non-staff Governors not previously involved in the matter, in which case the Chair and/or Vice-Chair may be appointed to a Directors' Disciplinary or Appeal Panel.
- 7.2 Local Governing Body (LGB) representatives from a neutral academy may be appointed to the Disciplinary and/or Appeals panels to ensure the panel composition is appropriate.
- 7.3 In the event that there are insufficient numbers of Governors available to participate in a Governors' Disciplinary or Appeal Panel, the Governing Body may appoint associate members to solely participate in the appropriate Panel on the recommendation of the Diocesan Schools Commission.

## **8. COMPANION** (see Definitions on page ii)

- 8.1 If you are the subject of disciplinary allegations leading to a meeting with the Investigation Manager, the Disciplinary Manager or the Appeal Manager, you may be accompanied at such interview or meeting by a Companion.
- 8.2 You must let the relevant Manager know who your Companion will be at least one working day before the relevant interview or meeting.
- 8.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.
- 8.4 Your Companion can address the relevant interview or meeting in order to:
  - a. put your case;
  - b. sum up your case;
  - c. respond on your behalf to any view expressed at the relevant interview or meeting; and
  - d. ask questions on your behalf.
- 8.5 Your Companion can also confer with you during the relevant interview or meeting.
- 8.6 Your Companion has no right to:
  - a. answer questions on your behalf;
  - b. address the relevant interview or meeting if you do not wish it; or
  - c. prevent you from explaining your case.

- 8.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant person will not usually postpone the meeting for a period in excess of five working days from the date set by the Academy to a date or time agreed with your Companion provided that it is reasonable in all the circumstance. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted.

## **9. TIMING OF INTERVIEW MEETINGS**

Interviews or meetings under this procedure may:

- need to be held when you were timetabled to teach.
- exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation.
- be held after the end of the School day.
- not be held on days on which you would not ordinarily work.
- be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

## **10. VENUE FOR INTERVIEWS OR MEETINGS**

If the allegations are sensitive the relevant Manager may hold the interview or meeting off the Academy site.

## **11. ASSISTANCE**

- 11.1 In any case concerning the religious character of the Academy, the Diocesan Schools Commission must be notified immediately the Academy becomes aware of the allegations and it may be represented at any relevant interview or meeting to advise the Investigating Manager, Disciplinary Manager or Appeal Manager.
- 11.2 In all cases involving any disciplinary sanction in relation to the Headteacher or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission may send a representative to advise the Disciplinary Manager or Appeal Manager.

## **12. TRADE UNION OFFICERS**

The MAC notes and adopts the ACAS Code of Practice's statement "Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement."



### **13. Referrals**

13.1 Where a teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct if the teacher had not resigned) the MAC must consider whether to refer the circumstances to the Department of Education and Teaching Regulation Agency under section 141D of the Education Act 2012 which came into force on 1 April 2012.

13.2 Where a person working within the MAC (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- a. which endangered a child or was likely to endanger a child;
- b. which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger him/her;
- c. involving sexual material relating to children (including possession of such material);
- d. involving sexually explicit images depicting violence against human beings (including possession of such images);
- e. of a sexual nature involving a child.

the Academy must refer that person to the Disclosure & Barring Service ("DBS") under section 35 of the Safeguarding Vulnerable Groups Act 2006.



## STATEMENT OF CONCERN FORM

Employee name:	
School:	
Line Manager:	
Date:	

Date of incident (if appropriate):

Details of Statement of Concern:

Signed (Line Manager):	
Signed (Employee):	

**To remain on file for 12 months**

## Annex B

### Disciplinary Hearing Meeting - Format

#### Attendees

- Committee – 3 Non-Staff Directors / Governors<sup>1</sup>
- Adviser to Committee
- Note taker
- Employee
- Companion

1. Introduction by Chair of meeting confirming:
  - a. The name and role/purpose of those in attendance,
  - b. The purpose of the meeting:
    - i. to establish the facts and determine, on conclusion of the hearing, whether there are proper grounds to take disciplinary action against the employee and, if so, the level of such disciplinary action.
    - ii. This is in accordance with the CtKCC discipline policy, confirm that the employee has had a copy of the policy.
  - c. The procedure – how the meeting will be conducted
    - i. Confirm documentation and roles (Companion role and note taker role)
    - ii. Deciding manager to detail the reason the case has been progressed to a hearing
    - iii. Chair will then detail the allegation
    - iv. Opportunity for employee/Companion to respond to the allegations
    - v. Opportunity employee/Companion to call witnesses
    - vi. Directors /Governors/advisor to ask questions of employee and of any witnesses
    - vii. Directors/Governors to call witnesses
    - viii. Opportunity for employee to ask questions of witnesses
    - ix. Opportunity for employee to add further points in support of their case and summarise response
    - x. Adjourn for Directors / Governors to consider their decision
    - xi. Reconvene meeting to verbally give decision
2. Chair of the Directors / Governor Committee confirm that all written documentation (Disciplinary Report and supporting documentation/written submissions provided by the employee) have been fully reviewed.
3. The employee will be entitled to be accompanied, by either a Companion. Confirm that the employee is happy to proceed with the hearing with the Companion. State that the role of the Companion is to address the hearing to put the employees case; sum up the employee's case; and respond on their behalf to any views expressed by the employer at the hearing. They must also be permitted to confer with the employee during the hearing. The Companion may answer questions on their behalf.
4. Confirm that a written record of the hearing will be made by the note taker. The notes will be typed up and sent to you for you to review and highlight any amendments to ensure that they reflect the content of the hearing.
5. The Chair will state whether any witnesses have been asked to give evidence at the hearing, and if so, who they are.

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<sup>1</sup> Note the Governor may be from a neutral Academy

6. Only if necessary - The Director/Governor Committee may ask questions/points of clarity of the Investigating Officer followed by employee/Companion having opportunity for questions/points of clarity. (NB: the Investigating Officer should be available but will not be present in the hearing unless called).
7. Chair of the Director/Governor Committee to detail the allegations made against the employee.
8. The employee and/or their Companion are invited to respond to the allegation(s)/state their case calling any witnesses where appropriate.
9. The Director/Governor Committee and their adviser may ask questions of the employee and/or their representative, and of any witnesses called. NB. The Director/Governor Committee may also choose to call witnesses.
10. The Chair of the meeting summarises the main points and asks the employee if they wish to add any further points in support of their case.
11. The meeting will adjourn for Directors/Governors to consider their decision.
12. The meeting is reconvened and the decision is verbally given to the employee (*Note: this may not be possible if the Director/Governor Committee requires more time to reach their decision*).
13. The chair closes the meeting.
14. When the Directors/Governors Committee have heard the case, they will consider what action is necessary. All others present will withdraw. The Adviser to the Director/Governor Committee, including any specialist advisors, and the note taker may remain with the Committee when they consider the case.
15. Please note that this Procedure may be varied by the mutual consent of all parties involved. Decisions will be confirmed in writing, including the right of appeal within 10 working days.