

DISCIPLINARY POLICY

1. Introduction

- 1.1. This document sets out the disciplinary procedure to be followed by line managers when dealing with all acts of alleged misconduct within the workforce. A separate policy is relevant for concerns in relation to an individual's capability.
- 1.2. All decisions to implement the disciplinary procedure will be made in good faith and in a genuine belief that there has been misconduct which has had an adverse effect on The Brunel SEN Multi Academy Trust (BSM).
- 1.3. The employee is entitled to be accompanied by a trade union representative or work colleague at every formal stage.
- 1.4. Where disciplinary proceedings are being instigated the BSM HRD and board must be informed in accordance with the individual education setting's delegation of authority.

2. Scope

- 2.1. This procedure applies to all employees of the BSM.
- 2.2. This document has two sections, this high level introduction, followed by the in-depth guidance section which details the process and procedure to be followed and includes the appeals procedure.
- 2.3. Where other policies and procedures are identified they should be read and followed where applicable.

3. Principles

- 3.1. The Trust has a duty to manage its employees to achieve high standards of behaviour and conduct. Where these fall short the matter will be dealt with in compliance with the law and good employment practices.
- 3.2. This procedure will ensure that the Trust:
 - 3.2.1. meets all relevant legal requirements regarding any disciplinary decisions it takes in relation to employees
 - 3.2.2. resolves effectively and in a timely manner wherever possible issues which affect the standards of conduct/behaviour of an individual employee
 - 3.2.3. treats employees in a fair and consistent manner in relation to conduct and disciplinary issues
 - 3.2.4. supports HoPs in carrying out their responsibilities in relation to the conduct of their employees
 - 3.2.5. ensures that all employees are aware of and understand the behaviours and conduct required by the Trust

4. Process

- 4.1. When a potential misconduct situation occurs the first step is for the manager to make brief preliminary enquiries to assess whether further action may be required. This may include meeting with the employee and asking him/her for a response on the matter.
- 4.2. An attempt should be made to correct a situation and prevent it from getting worse through advice or informal action.

- 4.3. The manager should hold a preliminary fact finding meeting to establish the facts, before proceeding to a formal disciplinary meeting.
- 4.4. Where alleged misconduct, if established, would be regarded as gross misconduct, consideration should be given to suspending the employee from work on normal contractual pay. The BSM Director of HR and, in their absence, the CEO must be consulted before any employee is suspended.
- 4.5. Where police investigations, criminal charges or convictions occur the manager should consider whether the conduct warrants disciplinary action and consider any other employment implications.
- 4.6. If, following the fact finding, a decision is made to progress the matter through the formal disciplinary procedure, a disciplinary meeting will be arranged at which the employee will be given the opportunity to state his/her case. The employee's representative should be consulted on the date of the meeting.
- 4.7. The employee will be given at least 5 working days' notice of the meeting and must be told, in writing, details of the allegation(s), that he/she is required to attend a disciplinary meeting (giving the place, date and time) and that he/she has the right to be accompanied by a trade union representative or work colleague.
- 4.8. If the allegation, if established, would constitute gross misconduct this should be stated in the letter.
- 4.9. In some cases further information than that provided by the preliminary enquiries will be needed. In these cases a disciplinary investigation will need to be carried out. The employee must be told in writing of the alleged misconduct within 5 working days of the formal meeting the manager will write to the employee confirming the outcome and outlining the next step including their right of appeal against the decision. Appeals are to be logged within 5 working days.
- 4.10. Appeals will be dealt with speedily whilst still allowing the employee reasonable time to prepare their case.
- 4.11. The outcome of the appeal meeting will be formally notified to the employee in writing within 5 working days.
- 4.12. There is no further right of appeal.
- 4.13. Should further clarification be required please contact the BSM HR team.

5. Disciplinary Procedure

- 5.1. This guidance supports the processes outlined in the Discipline procedure for managing employee misconduct.
- 5.2. Minor breaches of conduct will be dealt with informally by managers as part of their responsibility to establish and maintain standards of conduct. Where the matter is more serious, or the employee's conduct continues to be unacceptable, despite the manager's informal intervention, the formal Discipline Procedure will be used.
- 5.3. Where unacceptable performance is not due to issues of conduct e.g. health, lack of skills or qualifications, or because the job has changed in nature, the Capability Procedure should be followed.
- 5.4. Where employees are seconded/volunteers to the BSM from an external organisation they will be subject to the disciplinary procedure applicable to their employer.
- 5.5. Where BSM employees are seconded or working as part of an outreach team to an external organisation they will be subject to the BSM Disciplinary procedure.

6. Addressing conduct issues informally and promptly

- 6.1. It is the responsibility of all employees to conduct themselves in an appropriate manner and for managers to monitor this consistently and reasonably. When a potential misconduct/gross misconduct situation occurs the first step is for the manager (or their nominee) to make brief preliminary enquiries to assess whether further action may be required. This may include meeting with the employee and asking them for a response on the matter. If a preliminary meeting is to be held with the employee it is important to inform them that they can bring a trade union representative or work colleague to the meeting to accompany them if they so wish. If the employee confirms that they are a member of a recognised Trade Union every effort should be made to have a trade union representative present. Unavailability of the representative will not however delay the meeting.
- 6.2. It may be appropriate, depending on the circumstances and the nature of the misconduct, to attempt to correct a situation and prevent it from getting worse through advice or informal action, without using the Disciplinary Procedure. Ensure that the employee understands the reason for the meeting and that if the misconduct re-occurs formal action may be taken.
- 6.3. A note of any preliminary meeting should be made and kept by the manager (or their nominee) for reference purposes. This note will form part of management's case at any subsequent investigatory interview and/ or formal disciplinary meeting.
- 6.4. Any preliminary meeting is not an investigatory interview therefore following the preliminary investigations, if it is decided that a more thorough investigation is required then a disciplinary investigation will need to take place as soon as possible and investigatory interview with the employee concerned.

7. Fact Finding Meeting

- 7.1. If following initial preliminary enquiries a fact finding meeting is required the employee concerned must be given details of the complaint or incident as far as it is known. The meeting is not a disciplinary meeting at this stage and must not develop into one. If necessary the fact finding should include speaking to witnesses, including learners, governors and members of the general public where necessary and reasonable to the proper investigation of the issues.
- 7.2. The employee is entitled to be accompanied by a trade union representative or work colleague. The role of this person is to act as a witness as to what is said at the meeting
- 7.3. In a school based setting this will be a meeting with the Headteacher / Principal (or their nominee). If the allegations are in relation to the Headteacher / Principal then the matter should be referred to the Chair of the Local Governing Body with support from the BSM as any final decision on suspension and dismissal of the Headteacher / Principal lies with the BSM.
- 7.4. Before any fact finding meeting involving pupils is undertaken, advice must be sought on the conduct of the meeting from the designated safeguarding lead and the HR team.
- 7.5. In exceptional circumstances it may be that the fact finding cannot be completed in line with the suggested timescales because of circumstances outside the control of the Trust. This is likely to occur where a situation needs external intervention such as from Childrens' Social Services or Adult Social Services.
- 7.6. If, following the fact finding meeting the manager concludes the matter can still be resolved informally an attempt should be made to correct a situation and prevent it

from getting worse through advice or informal action. A brief note should be made and kept by the manager for reference purposes.

8. Precautionary Suspension

- 8.1. After the preliminary fact finding where alleged misconduct, if established, would be regarded as gross misconduct, consideration must be given whether to suspend the employee from work on normal pay.
- 8.2. Details of the reason for suspension must be given to the employee as soon as possible.
- 8.3. Suspension, in itself is a neutral act and a precautionary measure and not a form of disciplinary action and will only apply when other alternatives have been considered. (See Appendix 1 for further information on Suspensions). In the case of Headteacher / Principal or their deputies the school LGB will have to have agreement from the Trust for the suspension to be actioned.
- 8.4. The Manager / Headteacher / Principal should inform the Local Authority Designated Officer (LADO) of any complaints involving suspected child protection cases immediately they become aware and within 24 hours latest.
- 8.5. It is necessary to seek advice from the Trust HR team on the appropriate course of action if considering suspension.

9. Police Investigations, Criminal Charges or Convictions

- 9.1. An employee should not be dismissed or otherwise disciplined solely because they have been or are the subject of a police investigation or have been charged with or convicted of a criminal offence.
- 9.2. The question to be asked in such cases is whether the employee's conduct or conviction merits action because of its employment implications. Where it is thought the conduct warrants disciplinary action the following guidance will be followed:
 - 9.2.1. the facts will investigate as far as possible, to come to a view about them and consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure
 - 9.2.2. where the conduct requires prompt attention the BSM will not await the outcome of the prosecution before taking fair and reasonable action
 - 9.2.3. where the police are called in they should not be asked to conduct any investigation on behalf of the BSM, nor should they be present at any meeting or disciplinary meeting.
- 9.3. In some cases the nature of the alleged offence may not justify disciplinary action – for example, off-duty conduct which has no bearing on employment – but the employee may not be available for work because he or she is in custody or on remand.
- 9.4. In these cases the BSM will decide whether, in the light of the needs of the service, the employee's job can be held open. Where a criminal conviction leads, for example, to the loss of a licence so that continued employment in a particular job would be illegal, the BSM will consider whether alternative work is appropriate and available.
- 9.5. Where an employee, charged with or convicted of a criminal offence, refuses or is unable to cooperate with the BSM disciplinary procedure, this will not deter it from taking action. The employee will be advised in writing that unless further information is provided a disciplinary decision will be taken on the basis of the information available and could result in dismissal.

- 9.6. Where there is little likelihood of an employee returning to employment, the BSM may conclude that the contract of employment has been terminated through 'frustration'. Advice must be sought from the BSM HR team if this situation occurs.

10. Allegations

- 10.1. Managers must be clear and specific when allegations are being made and should, throughout the disciplinary process, be consistent about the nature of the misconduct which is being investigated. New allegations that come to light during the investigatory stage can be added to the process and brought to the employee's attention in writing. If the new allegations are subsequently found to be not relevant they should not be referred to in the investigation report.
- 10.2. Any disciplinary sanction must be imposed only in respect of allegations that were properly investigated and brought to the employee's attention in writing as part of the proceedings.
- 10.3. Any complaint or incident involving financial irregularity must be immediately notified to BSM Chief Executive Officer before proceeding with any disciplinary procedure or action. Serious cases may also need to be reported to the police who might then conduct a criminal investigation.
- 10.4. Any complaint involving suspected sexual, physical or emotional abuse against children and/or vulnerable adults must be investigated using the BSM Safeguarding Procedures; this may involve a joint approach with the Police. The manager/headteacher/principal should inform the Local Authority Designated Officer (LADO) of any complaints involving suspected child protection cases within 24 hours.

11. Disciplinary Investigation

- 11.1. In some cases further information than that provided by the preliminary enquiries will be needed. In these cases a disciplinary investigation will need to be carried out. The employee must be told in writing of the alleged misconduct.
- 11.2. The purpose of the investigation is to establish the facts, to ask the employee for an explanation, to determine what happened and to obtain sufficient information for management to decide what action to take i.e. formal or informal action, welfare support, implementation of one of the BSM other policies or to take no action at all.
- 11.3. Not all cases will need an elaborate investigation and it will not therefore be necessary to appoint an independent investigator(s) in straightforward cases e.g. persistent lateness. In these cases the manager would normally investigate. In potential gross misconduct cases a separate Investigating Officer(s) may be required. This might be a member of the Local Governing Body not involved in the process. The Trust may be able to assist in providing an Investigating Officer. Whoever is responsible for the investigation, it should be completed as quickly as possible but should be thorough. It should be carried out by an employee(s) of appropriate seniority in a confidential manner.
- 11.4. The investigation should include:
- 11.4.1. Holding a preliminary interview with the employee concerned at the earliest possible opportunity.
 - 11.4.2. Interviewing all witnesses
 - 11.4.3. Obtaining relevant documentary evidence

12. Trade Union Officials

- 12.1. Normal disciplinary procedures apply in full to trade union officials. However, no formal disciplinary action should be taken against a trade union official until the circumstances of the case have been discussed with a full-time official i.e. The Regional Officer, or Convenor of the union concerned.

13. Overlapping Grievance and Disciplinary Cases

- 13.1. A grievance raised during the course of the disciplinary procedure (including a claim of harassment) will be referred to a more senior officer in the BSM or senior member of staff or Local Governing Body member who will decide whether the grievance should be considered separately, or as part of the disciplinary process.
- 13.2. Where the employee's grievance relates to the disciplinary case it will be investigated as part of the disciplinary process and will not suspend the disciplinary procedure.
- 13.3. If the grievance is not linked to the disciplinary proceeding, the grievance and disciplinary can run in parallel, there is no need to suspend the disciplinary process whilst the grievance is resolved.
- 13.4. Grievances raised about the disciplinary proceedings will be dealt with at appeal stage if the disciplinary proceedings have been concluded and an appeal has been received

14. Holding a Formal Disciplinary Meeting

- 14.1. Where, on completion of an investigation/fact finding meeting, there are reasonable grounds to believe that there could be a case to answer the employee will be invited to attend a formal disciplinary meeting chaired by a more senior manager in the BSM. In a school/College based setting the meeting will be conducted by the Headteacher / Principal or the Disciplinary Committee of the Local Governing Body.
- 14.2. The employee is entitled to be accompanied by a trade union representative or work colleague. A representative of the BSM or the BSM HR team will attend to advise the panel on the proceedings and will always attend when a possible outcome of the meeting could be dismissal.
- 14.3. Any advice given by the BSM representative must be considered before any decision regarding the matter is taken. In the case of a Headteacher or Deputy the final decision is made by the BSM board.
- 14.4. The employee will be given at least 10 working days' notice of the meeting to allow them reasonable time to prepare their case. Employees should make every effort to attend the meeting.
- 14.5. At the meeting the manager should explain the allegations against the employee and go through the evidence that has been gathered. The employee should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. Where the manager or employee intends to call relevant witnesses they should give advance notice that they intend to do this.

15. Organising a Formal Disciplinary Meeting

- 15.1. Line Manager to notify employee in writing following guidance from the BSM HR team. This notification should contain sufficient information about the alleged

- misconduct and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting as well as details of the time and venue.
- 15.2. The employee can request a postponement within five working days of the original date if their chosen representative cannot attend.
 - 15.3. Copies of any relevant information and witness statements should be made available to the employee at least 5 working days prior to the disciplinary meeting, or sooner if possible.
 - 15.4. Arrange for someone who is not involved in the case to take a note of the meeting
 - 15.5. The employee should submit any relevant papers and witness statements at last 5 working days in advance of the meeting, together with the names of any additional witnesses they wish to attend the meeting.
 - 15.6. Arrange for an additional rooms to be available for the employee and their representative and for any witnesses
 - 15.7. If the employee concerned is a trade union representative discuss the case with a trade union full-time official.

16. Structure of the meeting

- 16.1. The disciplinary meeting will be conducted by a more senior Manager / Headteacher / Principal or the Disciplinary Committee of the Local Governing Body and in accordance with the provision's delegations of authority document.
- 16.2. The disciplinary meeting will be conducted as follows:-
 - 16.2.1. Introductions will take place, the purpose of the meeting will be explained and an explanation will be given as to how the meeting will be conducted.
 - 16.2.2. The approach will be formal, but polite and the meeting will be a two way process with the objective of ascertaining the true facts of the case.
 - 16.2.3. The allegation(s) will be outlined by the original manager/investigating officer, and the evidence presented. This will include reference to any witness statements and the calling of witnesses as required. There will then be opportunity for questions to be asked related to the evidence presented.
 - 16.2.4. The employee will be given the opportunity to state his/her case, present evidence and call witnesses. Opportunity for questions at this stage will again be given.
 - 16.2.5. The manager/investigating officer will summarise their case, followed by the employee.
- 16.3. The meeting will adjourn and a decision will be reached by the senior manager/head teacher /principal /Disciplinary Committee of the Local Governing Body. If necessary the meeting may be adjourned in order to carry out further investigations. If this does occur the meeting will be reconvened as soon as possible and the individual will be informed of the outcome of the further investigations. He/she will also be given the opportunity to comment on and/or question this.
- 16.4. Following the adjournment the employee will then be recalled, will be informed of the decision and, if applicable, the penalty which is to be imposed. The employee will also be advised at this stage of his/her right of appeal and the time limit for any such appeal.
- 16.5. All decisions will be confirmed, in writing, no later than 5 working days following the date of the disciplinary meeting. The letter will include (in the event of a warning being given):
 - 16.5.1. (a) the reason for the warning,
 - 16.5.2. (b) the effective time period of the warning,

- 16.5.3. (c) the consequences of any further breach of discipline,
- 16.5.4. (d) the right of appeal, and
- 16.5.5. (e) the time limit for any such appeal.

17. Absence of Individuals from Disciplinary Meetings or Appeals due to sickness

- 17.1. If an employee first reports sick on the day of the meeting and the employee informs the BSM/school/college they are unfit to attend, the meeting will usually have to be postponed.
- 17.2. The matter may need to be referred to Occupational Health to obtain advice on their condition/fitness to continue with the process and timescales. The disciplinary meeting should then be rearranged according to this information.

18. Failure to Attend a Disciplinary Meeting

- 18.1. Where an employee simply fails to attend his/her disciplinary meeting he/she should be written to and informed of the following:
 - 18.1.1. (a) That the meeting has been rearranged for a specific later date and time.
 - 18.1.2. (b) That if they are unable or unwilling to attend the meeting, without good cause, the meeting will proceed in their absence.
 - 18.1.3. (c) A representative may attend in their absence to present their case.
 - 18.1.4. (d) Any written submission which the employee may wish to submit will be considered.

19. Witnesses / Written Statements

- 19.1. Witnesses will be required to attend the meeting and asked to state their evidence in front of the parties so that the employee and the manager have an opportunity to ask them questions.
- 19.2. In exceptional cases, however, this may be impracticable or unacceptable (e.g. in the case of children). In these circumstances the employee should be shown a copy of the witnesses' statements so that they are fully aware of what is being alleged against them.
- 19.3. Where evidence about an employee's alleged misconduct has been obtained in the form of written statements, either the statements themselves or a summary of their content will be given to the employee. In exceptional circumstances the Trust reserves the right to conceal the identity of any or all of the parties if there is a legitimate reason to do so, such as where there may be a risk to the safety of others if the identity of witnesses is disclosed. In those circumstances, consideration will be given to providing a summary of the information to the employee.

20. What to consider before deciding on any disciplinary action?

- 20.1. When deciding whether a disciplinary penalty is appropriate and what form it should take, consideration should be given to:
 - 20.1.1. whether the rules of the BSM indicate what the likely penalty will be as a result of the particular misconduct
 - 20.1.2. the penalty imposed in similar cases in the past whether standards of other employees are acceptable, and that this employee is not being unfairly singled out

- 20.1.3. the employee's disciplinary record (including current warnings), general work record, work experience, position and length of service
- 20.1.4. any mitigating circumstances which might make it appropriate to adjust the severity of the penalty
- 20.1.5. whether the proposed penalty is reasonable in view of all the circumstances
- 20.1.6. whether any training, additional support or adjustments to the work are necessary
- 20.2. Each case must be looked at on its own merits and any relevant circumstances taken into account. Such relevant circumstances may include health or domestic problems, provocation, justifiable ignorance of the rule or standard involved or inconsistent treatment in the past.

21. Disciplinary Penalties

- 21.1. Other than in the case of gross misconduct, employees should not normally be dismissed for a first breach of discipline.
- 21.2. Where, following a disciplinary meeting the manager establishes that no misconduct has taken place; the employee will be informed that there is no case to answer and no disciplinary action to take. Where it is established that an employee has committed a disciplinary offence the following disciplinary action may be taken.
 - 21.2.1. Stage 1 – Verbal Warning: In cases of first minor breaches of discipline the employee should be given a recorded verbal warning. The manager will:
 - set out the nature of the misconduct and the change in behaviour required
 - inform the employee that a written warning may be considered if there is further misconduct confirm that the warning will remain "live" for a period of 6 months
 - during this period, the Trust may rely on such a warning in the event of further new or repeated misconduct on the part of the employee
 - state that the employee may appeal against the warning within 5 working days, and confirm who they should submit their appeal to
 - 21.2.2. Stage 2 – Written Warning: In cases of misconduct following a formal oral warning, or as a first stage for more serious offences, employees will receive a written warning. The warning will:
 - set out the nature of the misconduct and the change in behaviour required
 - inform the employee that a final written warning may be considered if there is further misconduct
 - confirm that the warning will remain "live" for a period of 12 months from the date of issue, after which time it will be expunged from the employee's records
 - during this period, the Trust may rely on such a warning in the event of further new or repeated misconduct on the part of the employee
 - state that the employee may appeal against the warning within 5 working days, and confirm who they should submit their appeal to
 - 21.2.3. Stage 3 – Final written warning: where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a written warning that remains "live", the employee will receive a final written warning. The warning will:
 - set out the nature of the offence committed
 - inform the employee that further misconduct may lead to dismissal

- confirm that the final warning will remain "live" for a period of 12 months from the date of issue, after which time it will be expunged from the employee's records
 - during this period, the Trust may rely on such a warning in the event of further new or repeated misconduct on the part of the employee
 - state that the employee may appeal against the warning within 5 working days, and confirm who they should submit their appeal to
- 21.2.4. Final stage – Dismissal or other sanction: where further misconduct occurs following a final written warning that remains “live” the employee may be dismissed with notice or with pay in lieu of notice. There may be occasions when, having taking into account all appropriate circumstances, it is decided that another sanction is appropriate. This may include:
- Transfer
 - Demotion/Loss of seniority
- 21.2.5. The above sanctions may be imposed in conjunction with other forms of disciplinary action, or as an alternative to dismissal.
- 21.2.6. The employee may appeal against any sanction imposed on them within 5 working days.

22. Gross Misconduct

- 22.1. Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. The following examples of gross misconduct are not exhaustive or exclusive
- 22.1.1. Theft or fraud
 - 22.1.2. Physical conduct/inappropriate physical contact with learners
 - 22.1.3. Deliberate falsification of records
 - 22.1.4. Fighting at work, physical violence
 - 22.1.5. Assault on/abuse of another person
 - 22.1.6. Deliberate serious damage to BSM property
 - 22.1.7. Deliberately accessing internet sites containing pornographic, offensive or obscene material
 - 22.1.8. Serious/persistent incapability through alcohol or illegal drugs
 - 22.1.9. Negligence causing/with the potential to cause unacceptable loss, damage or injury
 - 22.1.10. Serious infringement of health and safety rules
 - 22.1.11. Conduct prejudicial to the BSM's interests or which may damage or prejudice the BSM's reputation or integrity or bring the BSM into serious disrepute
 - 22.1.12. Discrimination, harassment or bullying directed towards other employees, learners , wider BSM network or members of the public
 - 22.1.13. Serious misuse of the BSM property or name
 - 22.1.14. Serious breach of confidence (e.g. serious breach of Data Protection, or the Code of Practice on IT Security, or the Code of Conduct or appropriate Professional Codes).
 - 22.1.15. Conduct outside of work which makes the employee unsuitable for their type of work or is calculated or likely to destroy the BSM's confidence and trust in the employee taking into account the nature of the offence, the nature of the work to be done, the extent to which it involves contact with employees, learners and the general public, and the status of the employee

- 22.1.16. For those employees working with children or vulnerable adults, failing to comply with any obligation to inform or disclose any matter to your employer which may lead to a disqualification from you working with children or vulnerable adults.
- 22.2. If an employee is dismissed for gross misconduct managers have a statutory duty to refer to the Disclosure and Barring Service and/or the relevant Professional Body (e.g. National College for Teaching and Learning for Teachers, and General Social Care Council for Social Workers), where applicable. Please refer to Safe Recruitment guidance for more information.
- 22.3. Where, the offence involves children, disabled people, persons in care or other special circumstances, or is so serious as to be verging on gross misconduct, the warning shall not be automatically disregarded in accordance with the above timescales. There may be circumstances where the final written warning can never be removed and that any recurrence will lead to dismissal. In these cases, the period for which the warning may continue to be taken into account shall be decided at the time the warning is issued.
- 22.4. A decision to dismiss should not be based on an expired warning but the fact that there has been a previous warning that has expired may explain why a lesser sanction may not be appropriate.

23. Appeals

- 23.1. All employees have the right of appeal against any disciplinary sanction imposed on them. Please see the Appeals Policy for information on how the Appeals process works.

24. Keeping Written Records

- 24.1. Notes should be taken of all key points raised during disciplinary/ capability/ grievance meetings and appeals and a copy given to the employee. In certain circumstances (for example to protect a witness) some information may be withheld. This information may be required at an Employment Tribunal.
- 24.2. Managers/Headteachers must keep a record of all disciplinary cases.
- 24.3. This record should include:
 - 24.3.1. the complaint against the employee
 - 24.3.2. the employee's defence
 - 24.3.3. findings made and actions taken
 - 24.3.4. the reason for actions taken
 - 24.3.5. whether an appeal was lodged
 - 24.3.6. the outcome of the appeal
 - 24.3.7. any grievances raised during the disciplinary procedure
 - 24.3.8. any subsequent developments
 - 24.3.9. notes of any formal meetings

25. Equality

- 25.1. Managers should be aware of their personal responsibility in ensuring that discrimination in any form does not impact on their handling of a case of misconduct.
- 25.2. Managers should consider providing flexibility in arranging the date and venue of a meeting or appeal.

- 25.3. Reasonable adjustment may be needed for a worker with a disability (and possibly for their companion if they are disabled) e.g. the provision of a support worker or advocate with knowledge of the disability and its effects.

26. Suspension

- 26.1. When suspending an employee, he/she should be given the opportunity to be accompanied by a trade union representative or work colleague at all meetings. However the non-availability of such a person should not delay the process.
- 26.2. If the employee requests to be accompanied it must be made clear to the union representative or work colleague that he/she should not take an active part in the suspension interview, but is there to act as a witness.
- 26.3. The employee should be told that a serious complaint has been received/incident reported that could potentially lead to an allegation of gross misconduct. A brief outline of the complaint or incident should be given to the employee to allow them the opportunity to respond. Once the employee has given a response the interview should be adjourned for the response to be considered. If a satisfactory explanation is not given at the interview the employee should be suspended, pending full investigation. A separate investigatory interview will need to take place at a later date but as soon as possible following the suspension. Full notes of this meeting and the deliberations taken in making a decision to suspend must be kept on file.
- 26.4. It should be made clear to the employee that as a precautionary measure under the Disciplinary Procedure, suspension is necessary and that it is not a form of disciplinary action. However any breaching of the conditions of the suspension as outlined in the suspension letter will be dealt with immediately and as a serious matter.
- 26.5. If the employee is absent from work due to sickness it may be appropriate in certain circumstances to delay the suspension until the employee is fit enough to return to work.
- 26.6. The decision to suspend must only be taken by the appropriate senior manager/Headteacher /LGB following advice from the BSM HR Director.
- 26.7. In all cases of suspension all property, keys, fobs, mobiles, access to ICT equipment should be returned and ICT accounts suspended. Supervised access can be arranged via the line manager if required.
- 26.8. Employees who are suspended should be offered appropriate support. Contact should be maintained with them through their line manager. Suspension should be kept under regular review, a minimum of once per week is recommended.
- 26.9. Any employee who is signed off as sick during a period of suspension will have their suspension rescinded until such time as they become fit for work.
- 26.10. Consideration should be given to any information provided to colleagues/parents/service users to explain the absence of the individual. It is important that a **need to know** approach is adopted when carrying out this process in order to maintain confidentiality. A suggested approach to this would be to bring the team together and simply inform them that the employee is absent from work at present and the arrangements that may be put in place to cover their work. They should also be informed that when asked by parents/service users about the employees absence to relay the same information.

This policy has been adopted by Churchward School:

Signed Headteacher

Signed Chair of Governors

Date