



MacIntyre Academies

Disciplinary Policy

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Disciplinary Policy

1. Purpose

This policy sets the processes and procedures for handling disciplinary in a fair, transparent and timely manner, whilst recognising the rights and responsibilities of both MacIntyre Academies Trust (MAT) and its employees in accordance with relevant employment legislation and best practice.

2. Scope

This policy applies to all employees of MacIntyre Academies Trust ('MAT' or 'MacIntyre Academies') who have successfully passed their probation period. Alleged breaches of conduct for employees within their probation period will be addressed under MacIntyre Academies' Probation Policy.

MacIntyre Academies' rules, which are summarised in the employee's statements of terms and conditions, the Code of Conduct, this policy and associated documentation, apply to all employees. This policy contains examples of misconduct and gross misconduct; however, these lists are not exhaustive.

This policy doesn't form part of any contract of employment and may be amended from time to time.

3. Schedule of Responsibilities

The Group Director of MacIntyre Academies Trust takes overall responsibility for the implementation of policies and procedures and will provide as appropriate, reports to Trustees in relation to this policy.

Academy Principals and the Head of Care at Endeavour House, will take active steps to promote good practice under this policy, monitor and review the management and implementation of this policy and practice in the Academy for which they are responsible, ensuring any disciplinary cases are handled fairly and timely. They will identify training needs, ensuring competence in those employees that are responsible for and involved in the operation of this policy and associated guidance.

Academy Principals and the Head of Care, with their Senior Leadership Teams will implement policy and procedure across their teams and ensure that any procedures resulting from disciplinary issues are tightly managed in terms of time and resources and ensure that procedures are effective and fair to the employees affected. They will ensure that key training needs are identified and addressed.

Teachers and other supervisory roles will implement policy and procedure in the academy, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy.

All employees are required to cooperate fully and positively with the requirements of the Disciplinary Policy, know the standards of conduct and behaviour expected of them and seek clarification if unsure and to undertake any training recommended by their line manager.

MacIntyre Academies Human Resources are responsible for providing advice and support under this policy, updating the policy as required and providing training to support good practice in implementation of this policy and its guidance. The HR Manager is responsible for collating data for regular Trust Board HR reports and providing confidential reports as required by the Group Director and Trust Board on individual cases.

4. Introduction

It is a fundamental principle of good management practice that disciplinary procedures should be applied fairly and consistently to all employees. The primary objective of this procedure is to ensure that high standards of employee conduct, attendance and performance are maintained at all times in the interests of providing children/young people with the best possible education, care and support.

In addition, MacIntyre Academies is committed to principles of natural justice, providing a fair means of dealing with alleged breaches in standards of conduct and to ensuring that confidentiality is maintained for all parties.

5. Policy Principles

The essential principles of this policy are:

- No disciplinary action will be taken against an employee until the matter has been fully investigated and a disciplinary meeting has taken place. The employee will be advised in writing of the nature of the complaint against them, the arrangements for the hearing and the possible disciplinary sanctions that may result should the allegations be substantiated.
- The employee will be given the opportunity to state their case before any decision is made.
- The employee will have the right to be accompanied by a colleague, lay or trade union official at all stages during the disciplinary meeting or disciplinary appeal.
- Managers will take into account any mitigating circumstances when reaching decisions on appropriate disciplinary penalties.
- No employee will be dismissed for a first breach of discipline, except in the following circumstances:
 - In the case of gross misconduct. The penalty for this will be summary dismissal, i.e., dismissal without notice or pay in lieu of notice.
 - Following a probationary review.
- An employee will have the right to appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- Poor performance resulting from negligence, lack of appreciation, or attitudinal problems will be dealt with under the disciplinary policy.

6. Procedure

Please see appendix 1 for the Disciplinary Process Flowchart outlining investigation and disciplinary procedures.

6.1 Investigation

MacIntyre Academies is committed to ensuring that all potential infringements of disciplinary rules are fully investigated and such investigation is undertaken promptly and sensitively.

6.1.1. Investigating Officer

When a potential disciplinary matter arises; the line manager of the employee concerned should act as the investigating officer and establish the facts promptly before recollections fade and obtain statements from any relevant available witnesses. It is important that records are kept for later reference.

Where the line manager is unavailable or, in the event that the concerns relate to allegations against the line manager, the Principal or the Human Resources contact for the Academy (usually the School Business Manager) will appoint a suitable investigating officer. Alternatives to the line manager could include an employee of equal or more senior status within the Academy, Trust, or as nominated by MacIntyre Academies.

In certain cases, MacIntyre Academies may engage the services of external person(s) with suitable experience to undertake a disciplinary investigation and/or to present the case at a hearing if the circumstances merit this approach.

6.1.2. Conducting the Investigation

Notifying the Employee of Allegations

Employees must be notified of an allegation(s) or complaint(s) made about them at the earliest practicable opportunity, except in the case of allegations involving issues of child protection (see 6.2) and will be given the opportunity to state their case and put forward any explanation or mitigating circumstances. Where it is not possible to be specific, the employee should be informed of the broad nature of the concern and be given some indication of the likely timescale for completing the investigation.

An interview with the employee is an important part of the fact-finding process. At this interview it should be made clear that the meeting is to establish the facts surrounding the concern and that the meeting is not a disciplinary meeting.

The employee should be encouraged to give their version of the concern and invited to make a written statement. If the investigation is likely to proceed further, then the employee should be asked if there are witnesses that they would wish to be interviewed as part of the process. If the concern is admitted then the employee should be invited to submit any explanation or mitigating circumstances.

It may be necessary to interview the employee on two separate occasions - once at the outset when the concerns are more general and imprecise and secondly at the point when the investigation has enabled a clear picture of the concerns to emerge, it may be necessary to arrange further meetings if circumstances demand this.

Witnesses and Evidence

Any relevant witnesses who are likely to be in a position to give direct evidence should be interviewed as soon as possible. There should be a written, signed and dated account of all interviews conducted during the investigation. Witnesses will be reminded of the confidential nature of the investigation and that they should not discuss the matter with colleagues.

In addition to witness statements it may be necessary to collect other evidence such as current disciplinary warnings, previous performance management records, written records, school timetables, rotas etc. The nature and number of such evidence will depend entirely on the circumstances.

Throughout the process the investigation will be conducted with an impartial perspective and no assumptions should be made until the investigation is completed.

Concluding the Investigation

Once the matter has been thoroughly investigated, the Investigating Officer will decide whether further action needs to be taken. All cases must be discussed with the relevant HR contact for the Academy before determining whether further action will be taken. At the conclusion of the investigation the following options are available:

- No case to answer and the matter is dropped
- A minor concern is identified and the matter is dealt with through informal action.
- There is a case to answer which warrants consideration of formal disciplinary action.

The employee should be notified of the position as soon as practicably reasonable.

6.2 Allegations Involving Issues of Safeguarding and Child Protection

Allegations which involve issues of child protection and/or abuse of children or young people by employees should be considered by the Designated Safeguarding Lead (DSL) and then referred immediately to the Local Authority Designated Officer (LADO).

No further action under this policy should be taken until LADO has been consulted. Appendix 2 provides further detail about how the process will be managed.

The local Academy Safeguarding Policy section 13.1 also covers how allegations made against staff will be managed.

The MAT Low-level Concern Policy is a point of reference for when an employee (or other individual) may have a concern which they feel does not meet the threshold of an allegation.

6.3 Suspension

On some occasions suspension on full pay may be necessary to assist an investigation. This does not prejudice any subsequent disciplinary meetings held. Suspension is a temporary situation whilst the issue is resolved and is purely a holding measure and should not be seen as punishment. The reasons why these measures have been taken must also be accurately recorded on the suspension risk assessment form.

Suspension will only be imposed after careful consideration and will usually be in serious circumstances where there are no other suitable alternatives. Alternatives might include:

- temporarily assigning the employee to different duties or relocating them to a different department
- changing their shift pattern or amending start/finish times
- enabling them to work from home or a different location
- removing specific elements of their normal duties and responsibilities (e.g. have them focus on back-office functions instead of child facing work, or stopping them from certain activities, if an issue relating to this has arisen) stop using a specific system or tool

Due to the significant impact suspension can have on working relationships, wellbeing, mental health and employee relations, it should only be done when absolutely necessary, and the risks of not suspending the employee are too high to bear. Suspension will only be considered in order to protect any of the following:

- the children/young people
- the person under investigation
- other employees.
- the investigation – for example if the person may damage evidence or influence witnesses
- the Academy – for example if there is a genuine risk to other employees, property or academy interests

In order to help decide whether suspension is needed the manager should consider:

- what information they have found so far
- the wellbeing of the person under investigation, and how their mental health might be affected if they are suspended
- the risks if the employee is not suspended– this might be a risk to others at work, the business or the investigation
- how serious those risks are
- any alternatives to suspension as listed above

No suspension will be unnecessarily prolonged. During the period of suspension, the employee should not be allowed access to any of MacIntyre Academies' premises without the prior consent of MacIntyre Academies and remote access to email and systems may also be suspended.

Where an employee is suspended they will be verbally informed, explaining why he/she is being suspended and the conditions that apply and this will also be confirmed to them in writing as soon as possible. Where possible, the employee should be given an indication of how long the suspension is likely to last and the set out what the next steps will be.

Being placed on suspension can cause an employee stress and upset, so managers should take into account their mental health and emotional wellbeing, then plan what support they will provide to the person who has been suspended. This may be as simple as agreeing the method and frequency for checking-in on the employee and updating them of any news.

6.3.1 Terms of Suspension

The terms of suspension are as follows:

- The employee will receive full pay. The employee must not discuss the details of any allegation with any other employees, child/young person or parent from the Academy without the prior permission of the Principal. The employee should refrain from any unnecessary contact with someone connected with MacIntyre Academies that could compromise their position. The Principal and the suspended person should discuss what they will tell people who work with the suspended person.
- The employee will be supported during their suspension and their wellbeing looked after, and communicated to clearly throughout the process.
- Suspension does not mean that a decision has been made whether the employee has done something wrong and their point of view will be considered before any decisions are made.
- Where possible, the employee should be contactable by telephone during normal working hours. However, most contact with the employee should be made in writing and telephone contact should be kept to an appropriate level. This should be agreed in order to support the employees mental health and emotional wellbeing, A suitable alternative email address should be provided in the event that the work email address is suspended and up to date contact details confirmed, including an emergency contact person.
- The employee will be provided with a named contact at MacIntyre Academies for maintaining communication during the suspension. The employee should be kept informed through provision of newsletters, notes of meetings, new policies etc. The named contact should be agreed with the employee although it should be clarified that this person will not be able to discuss any aspect of the disciplinary investigation.
- The employee should be informed of the confidential counselling service provided by Lifeworks (Support Line – 0800 169 1920 www.lifeworks.com) and, if appropriate, the national service for teachers (Teacherline – 08000 562561). And provided the name and contact information of trained Mental Health First Aiders across the MAT. Employees can also contact a mental health helpline (mind.com), speak to a friend or family member, contact citizens advice or contact the Acas helpline should they need mental health support or advice. They can also contact their Trade Union if they are a member for support.

Both the Principal and Group Director of MacIntyre Academies have the right to suspend any employee at the school if, in their opinion, his or her exclusion is required. HR must be informed of all cases of suspension. In all cases, the Trust, usually via the Chair of the Trust Board or Group Director need to be informed of any suspension of an employee.

6.4 Disciplinary Meeting

Once the decision has been made that disciplinary action may be necessary as a result of the information obtained during the investigation, the employee will be invited in writing to attend a disciplinary meeting.

The manager hearing the Disciplinary will usually be a member of the Senior Leadership Team (SLT). Where this is not appropriate, a suitable alternative manager will be appointed.

Where allegations of misconduct involve the Principal, this may be the Head of Operations, Group Director of MacIntyre Academies, a Director of the Trust Board; or other suitable person(s).

For all disciplinary and appeal meetings a note taker will be present to take minutes of the proceedings and a HR representative may also be present as appropriate.

Where allegations are of gross misconduct or other misconduct, which could result in dismissal, a disciplinary panel will hear the case. The panel will normally comprise of two persons including a member of the SLT and the Principal or the Principal and a Senior MacIntyre Academies employee who is external to the Academy

A letter will be sent to the employee, wherever possible, a minimum of 5 working days before the disciplinary meeting is due to take place and will include:

- notification that the hearing will be held under the terms of the MacIntyre Academies' disciplinary procedure;
- details of the allegations which have been made against them;
- provide names of those who will be present at the hearing;
- give the names of witnesses to be called;
- copies of all documentation to be presented at the hearing;
- an explanation of the right to be accompanied;
- a statement advising of the possible disciplinary sanctions that may result should the allegation(s) be substantiated;
- a request to provide details of those they wish to call as a witness and a statement telling them that they are responsible for ensuring that witnesses can attend on the relevant date.

For employees working under term-time contracts of employment, disciplinary meetings will be held outside the school closure periods, wherever possible.

There may be instances in which, due to specific circumstances, the employee may not be able to attend a hearing. In this event the employee is required to inform MacIntyre Academies at the earliest possible opportunity.

In normal circumstances the hearing will be rearranged for another date. Where a hearing is rearranged and the employee fails to attend, MacIntyre Academies reserves the right to conduct the hearing in the employee's absence unless there are extenuating circumstances which resulted in non-attendance.

Prior to a hearing taking place without the employee present, then the employee must be informed that they may submit written representations or request their representative to submit the case at the hearing on behalf of the employee.

6.5 Right to be accompanied

The employee is entitled to be accompanied at the formal disciplinary meeting (and any appeal meeting) by a work colleague or trade union representative, who will be asked to provide their credentials at the start of the disciplinary hearing so that the Company can verify their status. If the employee's companion cannot attend on a proposed date, the employee can suggest another date, provided this is within 5 working days of the original date.

The accompanying person has the right to speak at the disciplinary or appeal meetings but not to answer questions on the employee's behalf.

It is the employee's responsibility to ensure their chosen companion is willing to act and able to attend the disciplinary or appeal meeting.

6.6 Confidentiality

MacIntyre Academies is committed to dealing with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them as confidential in connection with an investigation or disciplinary matter, save for disclosure to their representative.

Employees and anyone accompanying (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this policy. An audio recording of the meeting may be taken by the notetaker in order to assist with minutes. When the minutes have been agreed by all parties any such recording will be deleted.

Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is an exceptional reason that a witness's identity should remain confidential. In such situations, this will be explained to the employee.

6.7 Disciplinary Sanctions

The onus is on those considering the disciplinary breach to reach a reasoned and reasonable conclusion based on the balance of probability. At the conclusion of the hearing the following options are available:

- that there is an insufficient case against the employee and that the matter should therefore be concluded with no formal action taken; or
- a decision to give the employee a sanction under this policy (below); or
- some other disciplinary action, e.g. downgrading, transfer to another job or withholding of incremental progression.

Depending on the seriousness of the misconduct or poor performance any of the below stages can be implemented in the first instance:

| Level of Warning | Expiry of Warning | Further Proven Misconduct within time limit |
|-----------------------------|-------------------|--|
| First level written warning | After 12 months | Principal or appropriate senior leader may impose extension of warning (to a total of 18 months) or proceed to further stage |
| Final written warning | After 12 months | Principal or Panel may impose extension of warning (up to a total of 18 months) or proceed to further stage. |
| Dismissal | N/A | N/A |

Where one of the above sanctions is issued (with the exception of dismissal), the Disciplining Manager will ensure that the issues are discussed with the objective of encouraging and helping the employee to improve. It is important that the employee understands what is required of them going forward and how their performance or conduct will be reviewed, and over what period. The employee will also be made aware of the action that will be taken should they fail to improve their conduct or performance.

Employees in receipt of a disciplinary warning/sanction in the previous 12 months (relating to the appraisal period) or on a live formal capability process will not be eligible for any performance related pay increment

6.7.1. Written Warning

In the case of minor infringements or if conduct or performance does not meet acceptable standards the employee will normally be given a formal written warning. The written warning will give details of the complaint, the improvement or change in behaviour required, the timescale allowed for this and it will also give the right of appeal. A copy of the written warning will be kept on the employee's personnel file but it will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance. In exceptional cases the period may be extended to 18 months.

6.7.2 Final Written Warning

If there is still a failure to improve conduct or performance, or if the employee's misconduct is sufficiently serious to warrant only one written warning, but insufficiently serious to justify dismissal, a final written warning will normally be given to the employee.

This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement, and will advise of the right of appeal. A copy of this final written warning will be placed on the employee's file, but will be disregarded for disciplinary purposes after 12 months, subject to the employee's satisfactory conduct and performance. In exceptional cases the period may be longer.

6.7.3 Dismissal

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, dismissal will normally result. The employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, the date on which their employment will terminate (in accordance with the employee's) notice entitlement and notified of their right to appeal.

Alternatives short of dismissal may also be considered, e.g. retraining, relocation, demotion, transfer to other departments and/or duties. This list is not exhaustive.

Where a member of teaching staff is dismissed or resigns during a disciplinary process which may have led to a dismissal; misconduct cases that relate to the safety of children and young people will be referred to the Disclosure and Barring Service (DBS). All other cases of teacher misconduct resulting in dismissal will be referred to the National College for Teaching and Leadership (NCTL).

6.8 Gross Misconduct

Gross Misconduct is conduct so serious as to totally destroy the relationship of trust and confidence that must exist between MacIntyre Academies and the employee, thereby rendering continued employment untenable. The following list, which is not intended to be exhaustive, provides examples of offences that are normally regarded as gross misconduct:

- Prolonged unauthorised absence from work (of at least 10 working days without contact may be considered gross misconduct if there are no mitigating reasons for the absence)
- While purporting to be absent sick, working or engaging in other activities, which are likely to be inconsistent with the reason for absence and/or which are unlikely to be conducive to recovery
- Theft, fraud, deliberate falsification of records, dishonesty (including the provision of false references)
- Physical violence, fighting, assault on another person or against another employee at or away from the workplace, anti-social activities such as brawling, indecency, serious verbal abuse. Serious acts of discrimination
- Serious breaches of the Trust's Finance Manual or Code of Conduct
- Harassment, serious bullying
- Bribery and/or corrupt practice
- Serious misconduct involving a child/adult resident
- Vandalism or deliberate damage to Academy property, premises, fixtures, equipment, stock or property belonging to a fellow employee or worker, customer or supplier
- Incapability while on duty or on Academy premises brought on by alcohol or illegal drugs

- Serious negligence that causes or might cause unacceptable loss or damage or injury
- Serious acts of insubordination
- Failure to report or record any serious matter which it is the employee's contractual duty (either expressed or implied) to report
- Misuse of MacIntyre Academies' property or resources, including excessive personal use or inappropriate use of the internet or e-mail facilities contrary to the MAT Acceptable Use of ICT Policy.
- Knowingly importing onto the Academy's computer systems and/or distributing, offensive and/or pornographic material or virus/es
- Unauthorised computer access, accessing, disclosing, deliberately divulging or otherwise using confidential or sensitive information on a fellow employee or worker, customer or supplier without authority
- Bringing MacIntyre Academies Trust into serious disrepute
- Personal misconduct that causes or might cause offence to any employee, worker, customer or supplier
- Serious breach of confidence (subject to the Public Interest Disclosure Act 1998) [including deliberately divulging to the media or a competitor, MacIntyre Academies' confidential and/or business sensitive information]
- Serious infringement of Health & Safety rules (including smoking in a non-smoking area or smoking while in the presence of a child or young person supported by MacIntyre Academies)
- Serious infringement of any of MacIntyre Academies rules or policies
- Breach of civil or criminal law. In the case of criminal offences, where such offences (whether committed during or outside the employee's hours of work for the Academy) adversely affects MacIntyre Academies' reputation, the employee's suitability for the type of work he or she is employed by the Academy to perform or his or her acceptability to other employees or to children or young people.
- Deliberately making false statements, or dishonest conduct in relation to MacIntyre Academies, its employees, workers, customers or suppliers
- Misappropriation, attempted misappropriation or unauthorised possession of MacIntyre Academies' monies or property or the monies or property belonging to another worker, customer or supplier

If, on completion of the investigation and the disciplinary meeting, MacIntyre Academies is satisfied that gross misconduct has occurred, the result will normally be summary dismissal, i.e. dismissal without notice or payment in lieu of notice.

6.9 Misconduct

Misconduct is conduct or behaviour which constitutes a breach of contract or obligation. The following are examples of misconduct but are not intended to be exhaustive:

- Prolonged unauthorised absence from work of at least 10 working days without contact
- Refusal to carry out duties or reasonable instructions
- Persistent lateness for work
- Persistent failure to follow employment rules such as reporting absence
- Improper, disorderly or unacceptable conduct in or near the workplace
- Wilfully inadequate work performance (poor performance or lack of capability will normally be addressed under the Capability procedure)
- Negligence at work leading to loss, damage or wastage of school or other property
- Consistently poor standards of dress or hygiene

In some instances, offences which would normally constitute gross misconduct may be considered as misconduct because of mitigating circumstances. Similarly, issues which would normally be treated as misconduct may, in certain circumstances be considered so serious they constitute gross misconduct.

6.10 Unsatisfactory Performance

Unsatisfactory performance of duties at work is performance which is below the minimum standards of performance required by MacIntyre Academies and which is not attributable to factors contributing to incapability.

The following are examples of unsatisfactory performance but are not intended to be exhaustive:

- Failure to meet service standards
- Failure to comply with operating instructions and safety precautions
- Poor 'housekeeping' leading to hazardous environment
- Negligence and/or lack of application
- Errors in Work
- Failure to perform duties satisfactorily or in a timely manner

6.11 Incapability

Incapability includes lack of skills, aptitude, health, qualifications, physical or mental qualities where there is no possibility in the short term of incapability ceasing. Refer to the MAT Capability Policy.

6.12 Appeal

If the employee wishes to appeal the decision, the employee must put in writing their grounds for appeal to the HR Manager of the Trust within 5 working days of receiving the outcome, who will arrange for this to be heard by someone who has no previous involvement with the case, usually a member of the Senior Leadership Team or the Principal (where appropriate). Where this is not appropriate, a suitable alternative senior leader from within the academy or another academy within the Trust, will be appointed to hear the appeal. Where allegations of misconduct involve the Principal, this may be the Head of Operations, Group Director of MacIntyre Academies, a Director of the Trust Board or other suitable person(s). The employee should set out the full grounds of appeal giving full details of why he/she believes the matter should be appealed. For example, the appeal could set out reasons why the employee feels the disciplinary process has been applied defectively or unfairly, or why an unreasonable/inappropriate outcome has been reached. It could also clarify that new information has come to light that was not considered at the original disciplinary meeting, and that it would be likely to have led to a different outcome if considered. The appeal will be acknowledged and the employee will be invited in writing to attend an appeal meeting; normally within 10 working days of the grounds for appeal being received. The employee will be reminded of their right to be accompanied by a colleague or trade union representative. A member of HR and/or a note taker may also be present at the meeting.

Appeal Meeting

At the appeal meeting, the employee will be given the opportunity to state the ground(s) on which the appeal is made. The senior leader conducting the appeal will consider the merits of the appeal, in private, before reaching a decision.

The senior leader of the appeal meeting will, wherever possible, verbally inform the employee of the decision reached and confirm this in writing, normally within 5 working days of the meeting.

Appeal Outcome

Notification of the decision will confirm that:

- The appeal is upheld and note the actions to address this; the disciplinary penalty may be reduced or removed in accordance with the penalties specified within this policy;
- That the appeal is rejected and states the reasons why.

The employee will be advised that this is the final stage of the disciplinary process and the decision made at the appeal meeting is final.

Where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed.

6.13 Extension of Time Limits

Disciplinary matters should normally be conducted within the timescales laid down in this procedure. There may be occasions where, for operational or other reasons, either party is unable to meet the process timescale or an extension of time limits will be accepted in such circumstances. Employees will be informed and given an explanation where this is the case.

7. Absence from Work during a Disciplinary Process

7.1 Absence due to Sickness

If the employee is unable to attend a meeting for a prolonged time through illness, or if they are unwilling to attend, or if the matter is serious, then MacIntyre Academies will make every attempt to rearrange a meeting but if this is not possible, may, as a last resort decide to hold the meeting in their absence. Any submission that the employee may wish to make may be made in writing, otherwise a decision will be made based on the information available at the time.

If the employee is unable to attend a disciplinary (or appeal) meeting due to sickness the employee should contact the person who wrote the letter inviting them to the meeting as soon as possible. The employee should confirm:

- The reason for the absence
- The expected date of return to work

The employee should also follow the requirements of MacIntyre Academies' absence policy in relation to such issues as self-certification, production of a fit note etc.

7.1.1 Re-arranging the Meeting

If the meeting has been postponed due to an employee's sickness absence, a new date will be arranged. The employee will be informed in writing of the new date, time and place of the meeting.

The meeting will be arranged at a time when the sickness is expected to have ended. This will be determined from information given by the employee, or from information provided on a fit note about the expected return to work.

7.2 Absence due to a Disability

If the absence is due to a disability as defined in the Equality Act, 2010, then MacIntyre Academies will make reasonable adjustments to allow the employee to attend the disciplinary or appeal meeting.

If the employee is still unable to attend after adjustments have been made, MacIntyre Academies will then take action as outlined above. Where an employee provides a medical certificate or statement containing diagnoses of stress, anxiety or depression as a reason for refusing to attend any investigation or disciplinary meeting, MacIntyre Academies may seek further clarification from an Occupational Health provider to assess whether the employee is too ill to participate in the relevant meeting.

7.3 Confirmation of Disciplinary Sanctions

If a decision is to be made on the disciplinary action in the absence of the employee, a letter will be written to the employee informing them of the decision, the sanction that has been imposed and the reasoning behind this. The employee will be informed of the right to appeal against the decision.

Employees in receipt of a disciplinary warning/sanction in the previous 12 months (relating to the appraisal period) or on a live formal capability process will not be eligible for any performance related pay increment

8. Record Keeping

It is important that accurate records are kept throughout the process, including the investigation process. Records should clearly identify the nature of the disciplinary, what was decided and what actions were taken, the reasons for the actions, whether an appeal was lodged, the outcome of the appeal and any subsequent developments.

Records will be held in a secure and confidential manner by Managers and/or HR and will be retained on the employee's personnel file in accordance with the MAT Retention Schedule. Once the disciplinary sanction has expired, the record will either be removed or clearly marked as "expired".

9. Reporting

Data concerning all disciplinary matters is to be collated by the HR Manager reported within the termly HR report to the Trust Board . The HR Manager will also compile confidential summary reports on any disciplinary matter that constituted gross misconduct and/or dismissal. These will be provided to the Group Director for sharing with the Chair of the Trust and other directors as required.

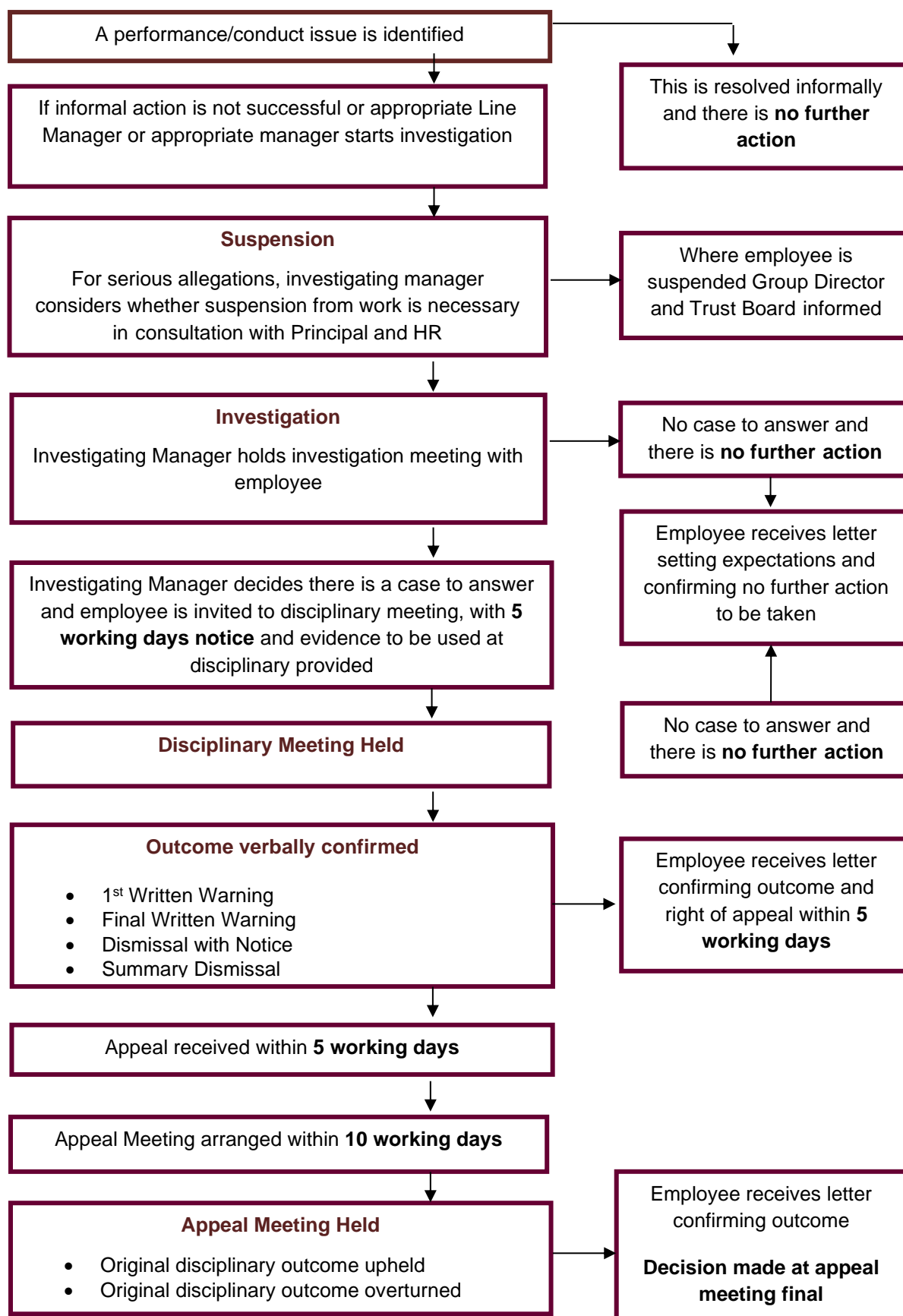
Appendices

Appendix 1: MAT Disciplinary Process Flow Chart

Appendix 2 – Matters Relating to Safeguarding Issues

And Low-level concerns

Appendix 1 – Disciplinary Process Flow Chart



Appendix 2 – Allegations Involving Issues of Child Protection

Overview

Allegations which involve issues of child protection and/or abuse of children by employees should be considered by the Designated Safeguarding Lead (DPO) and then referred immediately to the Local Authority Designated Officer (LADO). Appendix 2 provides further guidance below on the management of this type of allegation. No further action under this policy should be taken until LADO has been consulted.

If the relevant child protection agencies decide not to pursue action against the employee, the matter will be referred back to MacIntyre Academies for consideration under the appropriate policy.

Where the procedure detailed here is involved, other disciplinary procedures will begin only if and when the matter has been referred back to MacIntyre Academies. The fact that external agencies have not taken action should not be taken as an indication of the employee's innocence or guilt.

Scope

This guidance will be used alongside the Disciplinary Procedure where allegations have been made that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children or young people in their present position, or in any capacity.

It will be used in respect of all cases in which it is alleged that the employee has:

- behaved in a way that has harmed a child/young person, or may have harmed a child/young person;
- possibly committed a criminal offence against or related to a child/young person; or
- behaved towards a child/children in a way that indicates that they would pose a risk of harm if they work regularly or closely with children/young people.

As with other conduct issues the behaviour of employees outside of work may impact on their role within MacIntyre Academies. Therefore, if concerns are brought to MacIntyre Academies' attention about an employee's behaviour in regard to their own children or any other child/ children outside of MacIntyre Academies' consideration will be given to any implications for children with whom the employee has contact with at work.

Procedure

Where the manager determines that the allegations meet the criteria above, they will immediately contact the Local Authority Designated Officer (LADO) and provide them with all relevant information.

The LADO and the manager will consider the nature, content and context of the allegation and agree a course of action. The LADO may ask for further relevant information to be provided or obtained such as previous history, whether the child or their family have made similar allegations, and the individual's current contact with children.

Outcomes

The initial sharing of information and evaluation may lead to the following:

- A decision that no further action by external agencies or MacIntyre Academies is to be taken in regard to the individual facing the allegation. The decision and reasons for this will be recorded. The manager will agree with the LADO what information should be put in writing to the employee and what if any action is appropriate to take in respect of the person making the allegation. After consulting the LADO, the manager will inform the employee about the allegation and provide them with as much information as possible at the time; or;

- A decision that no further action by external agencies, but the manager determines further action is required and will refer to the Disciplinary Procedure; or;
- LADO determines that a strategy discussion is needed, or police or local authority's social care services need to be involved. The LADO will coordinate the appropriate arrangements and will inform the manager. The manager will agree with the LADO, police or local authority's social care services what information should be put in writing to the employee, bearing in mind the employees subject access rights under the Data Protection Act. Information may be withheld from the employee only if disclosure is likely to prejudice a criminal investigation. The strategy discussion will determine what action will be taken and by whom. The point at which MacIntyre Academies can continue with its own disciplinary procedures will be determined. No further investigation should be carried out until agreed through this process.

Suspension

Suspension will not be an automatic response when an allegation is reported and alternative arrangements will be considered. The risks of the employee remaining within MacIntyre Academies during any process of investigation will be carefully evaluated. In cases where there is cause to suspect children at MacIntyre Academies are at risk of significant harm, or the allegation warrants investigation by the police, or is so serious that it might be grounds for dismissal the employee will usually be suspended.

Suspension will be managed as per the Disciplinary Procedure.

The manager will consider the advice of the LADO or the police with regard to suspension but will make their own informed decision with regard to the suspension of an employee.

| Version Number | Purpose/ Change | Responsibility | Date |
|----------------|--|----------------|--------|
| 3 | Job title change from HR & Recruitment Manager to Head of Support Services (Section 3, 6.12,9) | CEO | Dec 19 |
| 2 | Front page person responsible changed from COO to CEO. | CEO | 2018 |