

Disciplinary Policy

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Introduction

1. About this Policy

- 1.1. The Disciplinary Policy and Procedure is designed to help and encourage all employees to achieve and maintain appropriate standards of conduct.

2. Scope

- 2.1. The procedure applies to all employees regardless of length of service, excluding those in their probationary period where separate arrangements apply. It does not apply to agency workers and self-employed contractors.
- 2.2. This procedure does not form part of any employee's contract of employment and it may be amended at any time.
- 2.3. This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies, the non-renewal of fixed term contracts or poor performance. In those cases, reference should be made to the appropriate policy or procedure.
- 2.4. The Place Independent School reserves the right not to follow the Disciplinary Policy in respect of employees with less than 2 years' continuous service.

3. Policy Aims

- 3.1. This policy aims to ensure consistent and fair treatment to all employees in the organisation. The procedure provides a framework within which TPIS can work with employees to maintain satisfactory standards of conduct and encourage improvements where necessary. Through the effective operation of the procedure we will ensure steps are taken to establish the facts and employees are given the opportunity to respond before taking any formal action.
- 3.2. This Policy and Procedure allows formal action to be taken up to and including dismissal. Disciplinary action will not take place without the completion of a formal investigation. The exception to this is in cases where the offence is minor, where the individual accepts full responsibility and a formal investigation would serve no purpose. The intention is that investigatory processes and disciplinary matters are dealt with proactively, with a view to resolving problems as quickly as possible.
- 3.3. TPIS will aim to resolve all disciplinary matters without unreasonable delay.
- 3.4. Where the TPIS has an obligation under legislation e.g. Safeguarding, it will refer the names of employees to the Disclosure and Barring Service and Teaching Regulation Agency as appropriate.

4. Legislation and guidance

- 4.1. This document is based on the ACAS Statutory Code of Practice on discipline. In addition, we have used the ACAS guide entitled Discipline and Grievances at Work to formulate this procedure.

5. Other relevant Policies

- 5.1. This policy should be read in conjunction with the following policies:

- Code of Conduct
- Acceptable use of the Internet and IT Systems
- Allegations of Abuse Against Staff
- Data Protection Policy
- Grievance Policy
- Safer Recruitment Policy
- Whistleblowing Policy
- School Child Protection and Safeguarding Policies

Process

6. Initial Fact-Finding

- 6.1. When an allegation comes to light, an initial informal Fact-Finding exercise should be undertaken to establish if the allegation does constitute a breach in the Disciplinary Policy and Procedure.
- 6.2. The fact-finding should not include formal questioning but may involve taking statements, speaking to key individuals and assessing any hard evidence.
- 6.3. Fact-Finding exercises must only be completed by suitably skilled managers.
- 6.4. Fact-Finding can be conducted by staff from a different department or school.
- 6.5. Following the Fact-Finding exercise, the manager should sub review the evidence (alongside the proprietor) and make one of the following recommendations:
- No Further Action
 - Informal Action – issue Management Guidance
 - Formal Action
 - Agreed Outcome

7. No Further Action

- 7.1. Following the review of the initial Fact-Finding documentation, it may be decided that no further action is required.
- 7.2. If there is a reasonable belief that the allegation may have been vexatious or frivolous, the Company may instigate further disciplinary proceedings against those staff making the allegations.

8. Informal Action

- 8.1. Where incidents of mis-conduct are considered low level or a Fact-Finding exercise has concluded that no formal action is required, it may be appropriate for managers to handle the case informally. This would involve an informal conversation with the employee and, where appropriate, a note of any such informal discussions may be placed on the employee's personnel file.
- 8.2. The Trust reserves the right to issue an informal Management Guidance letter setting out any concerns and actions going forward. This would remain on the employee's personnel file for 6 months.

Formal Action

9. Case Investigator

- 9.1. When an initial Fact-Finding exercise has concluded that formal disciplinary action is required a Case Investigator will be appointed. This should be a suitably trained manager who has not been involved with the individual(s) or in the case previously.

10. Confirmation of Investigation

- 10.1. Before the investigation commences, the employee must be met with to advise them of the allegations to be investigated and inform them that an investigation will be carried out to gather the facts regarding the alleged misconduct.
- 10.2. This meeting will normally be conducted by a Headteacher or member of the SMT. However, they can designate a suitably senior member of staff to conduct this meeting.
- 10.3. During the meeting the employee should be made aware of the details, as they are known at that point, regarding the allegation. E.g. names and dates.
- 10.4. Employees should be made aware that the investigation is an objective inquiry into the facts of the allegation(s), and that the purpose is to gather evidence that confirms or disproves the allegation(s).
- 10.5. The employee will be informed of the name of the person who is the Case Investigator and the possible outcomes an investigation may lead to.
- 10.6. Confirmation of the allegation(s) and the need for an investigation must be provided in writing. Copies of the Disciplinary Policy and Procedure should be enclosed with the letter, unless already provided in the meeting. The letter must set out the detail of the allegations to be investigated.

11. Suspension

- 11.1. There may be instances where it's necessary to consider whether an employee should be suspended from the workplace. The organisation will only consider suspension in the following circumstances:

- 11.1.1. where there are reasonable grounds for concern that evidence may be tampered with/destroyed;
 - 11.1.2. witnesses may be pressurised;
 - 11.1.3. there is a potential risk to the organisation or other employees in allowing the employee to remain at work;
 - 11.1.4. the allegations are so serious that they would constitute gross misconduct if proven.
- 11.2. Suspension will not be an automatic response and a decision to suspend will only be taken after careful consideration of all alternatives to suspension such as re-organisation of duties, work location or temporary redeployment to another role. Suspension does not in itself constitute disciplinary action or imply any decision or judgement as to guilt.
- 11.3. During suspension, or alternative duties, the employee will continue to receive their normal pay. However, the company reserves the right to withhold pay in exceptional circumstances.
- 11.4. The decision whether or not to suspend will be made by the Headteacher with advice from the Central HR Team. Any decision to suspend without pay must be formally agreed by the CEO and HR Director. The discussions must include consideration of alternatives to suspension, prior to a decision being made. In all cases suspension will be kept under review and will be kept as short as possible.
- 11.5. If the CEO is unavailable then a majority SMT agreement will be required.
- 11.6. If suspension is deemed necessary, an appropriate manager must be identified to act as the named contact for the employee for the duration of their suspension.
- 11.7. At the meeting the employee will be told the following:
 - 11.7.1. The basic allegation and why a suspension is regarded as necessary.
 - 11.7.2. Who their named contact will be for the duration of the suspension, if known. If this has not been established yet, the employee will be informed that they will be told this as soon as the named contact has been identified.
 - 11.7.3. That they will remain on full pay or:
 - 11.7.4. That the company has exercised its right to withhold pay in exceptional circumstances.
 - 11.7.5. That their suspension will be confirmed in writing.
- 11.8. Full details of the suspension must be confirmed in writing following the meeting.
- 11.9. If the allegation is against the CEO, any decision to suspend must be made by the Chair of the Company Board. A decision to suspend without pay would require a majority Board agreement.

Investigation Process

12. Terms of Reference

- 12.1. The Case Investigator, working with HR, will produce a Terms of Reference document setting out the intended scope of the investigation, the individuals involved, the details of the allegation and a provisional timeline.
- 12.2. The Case Investigator, working with HR, will then schedule required investigation meetings and gather additional evidence as required.

13. Investigation Meetings

- 13.1. The Case Investigator will write to each witness requesting them to attend an investigation meeting. The individual against whom the allegation is made must be formally invited to attend an investigation meeting and be given 5 working days' notice. In exceptional circumstances, an individual can request to waive their rights to 5 working days' notice before an investigation meeting, however this cannot be guaranteed.
- 13.2. If the employee wishes to waive their right to 5 working days' notice, they must complete a Waiver of 5 Days' Notice form.
- 13.3. The employee against whom the allegation is made will have the right to be accompanied by a Trade Union Representative or a work colleague
- 13.4. There is no requirement for witnesses to be given 5 working days' notice or the right to be accompanied. Requests from witnesses to be accompanied at an investigation meeting will be handled on a case by case basis.
- 13.5. If requested to attend an investigation meeting, an employee is expected to do so as this is viewed as a reasonable request by the company. Witnesses will be informed that their statements given during the interview may be used in a disciplinary hearing, and they may be called upon to read their statement and answer questions around this. Witnesses will be given a copy of their statement following the conclusion of the meeting and will have 5 working days' notice to return their signed statement to the Case Investigator.
- 13.6. If, having given a statement, a witness refuses to sign that statement or withdraws their statement, it should be made clear that the statement will still make up part of the investigation report, although it will be highlighted that it is not signed. If, having made an allegation, an individual wishes to withdraw this; the Company reserves the right to continue the investigation process.
- 13.7. All employees involved in an investigation will be informed of their continuing duty to maintain confidentiality. Breaches of confidentiality may result in disciplinary action being taken.
- 13.8. During the investigation, the Case Investigator should continually consider the range of options for progressing the case. This will be whether the case should proceed to a formal disciplinary hearing, whether the case would in fact be better progressed using a different policy, or whether there is insufficient evidence for there to be a case to answer. In some cases, it may be necessary to call additional witnesses in light of the information obtained during the initial investigation interviews.

- 13.9. In some instances, it will become apparent before the end of an investigation that there is no case to answer. In these instances, a summarised report may be written up to explain and confirm reasons as to why an investigation has been closed.

14. Participating in the Process

- 14.1. Being absent from work does not necessarily mean an employee is unable to participate in the investigatory process. Where appropriate, Occupational Health should be involved to assess whether an employee is fit to attend.
- 14.2. If an employee is unable to attend an investigation meeting due to a long-term absence it may be necessary to proceed in the employee's absence. If the decision is made to do this, the employee will be invited to submit a written statement to be used in the investigation report.
- 14.3. Employees should be given one chance to rearrange the agreed date of any investigation meeting. However, if at short notice (i.e. on the day) either party cannot attend for an unforeseeable reason which is judged reasonable, the interview should be rearranged.

15. Investigation Report

- 15.1. Following the completion of the Investigation Process the Case Investigator, working with HR, will produce a formal investigation report.
- 15.2. An investigation report will contain the following information:
 - 15.2.1. The individual's role, grade and service history.
 - 15.2.2. The allegation(s).
 - 15.2.3. The steps taken in the investigation including who was interviewed.
 - 15.2.4. The facts established during the investigation.
 - 15.2.5. The conclusion and rationale for the decision regarding the next steps.
- 15.3. A Case Investigator may take the following actions:
 - 15.3.1. Assess that there is no case to answer and revert the case to an informal process*.
 - 15.3.2. Recommend that an agreed outcome is offered to the employee.
 - 15.3.3. Recommend that the case goes to a disciplinary hearing.

*If there is reasonable evidence to suggest that the allegations have been vexatious or frivolous, the Case Investigator may recommend subsequent disciplinary action.
- 15.4. If the case moves to a disciplinary hearing then the investigation report will remain confidential to the parties involved in that hearing.

16. Agreed Outcome Warning

- 16.1. An agreed outcome warning can be issued when the employee accepts their misconduct and agrees to accept a warning. HR and Case Investigators can

agree to offer an agreed outcome after reviewing the initial Fact-Finding documentation or following a formal investigation.

- 16.2. An agreed outcome meeting must be held with the employee, at which they are entitled to be accompanied, and the full details of the outcome explained. This meeting will normally be conducted by relevant senior management, HR or the Case Investigator.
- 16.3. An employee must be given a reasonable period of time to consider their options before responding to an agreed outcome offer and a minimum of 24 hours.
- 16.4. The following outcomes can be applied as an agreed outcome [see 20.2 for more details]:
 - 16.4.1. Verbal Warning
 - 16.4.2. First Written Warning
 - 16.4.3. Final Written Warning
- 16.5. An agreed outcome cannot be used in cases of potential gross misconduct where dismissal is a possible outcome.
- 16.6. If an employee accepts an Agreed Outcome this must be confirmed in writing and signed by the employee.
- 16.7. If the employee does not accept the warning then their case will be referred to a formal investigation or a formal disciplinary hearing.

Hearing

17. Disciplinary Hearing

- 17.1. A Disciplinary Manager will be assigned for all cases that require a formal hearing. The Disciplinary Manager should be a Senior Manager, Head of School, a member of the Senior Management Team (SMT) or a member of the Company Board. The Disciplinary Manager, working with HR, will be responsible for making the arrangements for the hearing.
- 17.2. If the allegation is against a member of the SMT or CEO it may be appropriate for an external Disciplinary Manager to be appointed.
- 17.3. The Disciplinary Manager will be separate from the Case Investigator and will chair the hearing and make any decisions regarding disciplinary sanctions.
- 17.4. All hearings will require a panel of at least 2 and a note taker, and an HR representative will also be in attendance. Panels should be made of the Disciplinary Manager and a Senior Manager, Head of School, a member of the SMT, a Local School Board member or a Member of the Company Board.
- 17.5. A panel does not need to be made up of staff from the same school as the employee under investigation.
- 17.6. Being off sick from work does not necessarily mean an employee is unable to attend a disciplinary hearing. If there is any question as to the employee's fitness

to attend a hearing, consideration should be given to seeking a medical report from an appropriate medical practitioner.

- 17.7. The Company will consider any requests for reasonable adjustments to the disciplinary process such as using video conference facilities to enable the process to proceed with the employee's participation.
- 17.8. If an employee is unable to attend a hearing due to illness, in the case of long-term absence it may be necessary to proceed in the employee's absence. If the decision is made to do this, the employee will be invited to submit a written statement or for their case to be presented by a Trade Union Representative or a work colleague. The Disciplinary Manager will make the decision to proceed and confirm their decision in the outcome letter.
- 17.9. Employees should be given one chance to re-arrange the hearing if the date given to them is unsuitable due to prior commitments which cannot be changed. However, if at short notice (i.e. on the day) the employee cannot attend for an unforeseeable reason which is judged reasonable, the hearing should be rearranged.
- 17.10. Employees who have been invited to attend a disciplinary hearing will have the right to be accompanied by a Trade Union Representative or a work colleague.

18. The Hearing Process

- 18.1. The employee will be invited to attend the hearing and will be given 5 working days' notice. The invitation will confirm the date, time, venue, panel members for the hearing and details of any witnesses to be called. The employee will be informed in writing of the allegations against them, the basis for these allegations and what the likely consequences could be if it was decided that the allegations are true. The following documents will also be included where appropriate.
 - 18.1.1. A summary of relevant information gathered during the investigation.
 - 18.1.2. A copy of any relevant documents which will be used at the disciplinary hearing including the investigation report.
 - 18.1.3. A copy of relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information will be provided as possible whilst maintaining confidentiality.
- 18.2. The Disciplinary Manager, working with HR, will invite witnesses, and ensure they are available to attend on the date of the hearing. The employee answering the allegations must notify the Disciplinary Manager of the details of any witnesses they may wish to bring. It is the responsibility of each party to contact their own witnesses and arrange for them to attend.
- 18.3. The employee is required to submit any documentation, including a list of any witnesses they intend to call, and details as to whether they will be accompanied at least 2 working days prior to the hearing.
- 18.4. The company reserves the right, in exceptional circumstances and with agreement of the employee, to reduce the timescale for a hearing to be arranged.

18.5. A note-taker will be present at all hearings.

18.6. A hearing will usually follow the following process:

- Case Investigator will present case – witnesses will be called if necessary.
- Questions of case by employee (including questions of witnesses).
- Questions of case by Disciplinary Manager and panel (including questions of witnesses).
- Employee presents case – witnesses will be called if necessary.
- Questions by Case Investigator (including questions of witnesses).
- Questions of case by Disciplinary Manager and panel (including questions of witnesses).
- Case Investigator sums up key points.
- Employee sums up case.
- Case Investigator, employee and representative leave the hearing.
- Panel makes a decision.
- Decision is delivered* (see 20.3).

19. Role of Companion at Meetings and Hearings

19.1. An employee may bring a companion to all meetings where a warning or dismissal may be a potential outcome. The companion may be either a Trade Union Representative or a work colleague. The employee should inform the Case Investigator conducting the meetings who their chosen companion is, in good time before the hearing.

19.2. Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements and for providing their companion with any paperwork that they require for the hearing.

19.3. Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

19.4. If the choice of companion is unreasonable the employee can be asked to choose someone else, for example:

19.4.1. if they have a conflict of interest or may prejudice the meeting; or

19.4.2. if the companion works at another site and someone reasonably suitable is available at the site at which the employee works; or

19.4.3. if the companion is not available at the time a meeting is scheduled and will not be available for more than 5 working days afterwards.

19.5. A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting

20. Disciplinary Action

20.1. Disciplinary action taken will be dependent on the facts of the case, the seriousness of the misconduct, whether the employee has any previous disciplinary warnings that are still current, and any mitigating factors raised by the employee.

20.2. Action may be taken as shown below:

No Action	The panel may find that there is no case to answer or may refer the case back to an informal process.
Verbal Warning and Management Guidance	<p>This action is normally used in cases of minor misconduct and would be live for a period of 6 months. Employees will be written to confirming this outcome, the right of appeal and a management guidance note will be added to the employee file.</p> <p>A verbal warning can be an agreed outcome.</p>
First Written Warning	<p>A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept but it will be disregarded for disciplinary purposes after 9 months.</p> <p>A first written warning can be an agreed outcome.</p>
Final Written Warning	<p>A final written warning will usually be appropriate for:</p> <ul style="list-style-type: none"> • misconduct where there is already an active written warning on the employee's record; or • misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record. <p>This will give details of the complaint, the improvement required, and the timescale. It will also warn that failure to rectify may lead to dismissal (or another action short of dismissal) and will refer to the right of appeal. A record of the warning will be kept but it will be disregarded for disciplinary purposes after 12 months after satisfactory conduct or performance has been achieved and sustained.</p> <p>A final written warning can be an agreed outcome.</p>
Dismissal	<p>Dismissal or other action short of dismissal will usually only be appropriate for:</p> <ul style="list-style-type: none"> • further misconduct where there is an active final written warning on the record; or • any gross misconduct regardless of whether there are active warnings on the record. Gross

	<p>misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).</p> <p>Dismissal decisions can only be taken by a Disciplinary Manager and the employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.</p> <p>If a sanction short of dismissal is imposed, the employee will receive details of the sanction and will be warned that dismissal could result if there is no satisfactory improvement and will be advised of the right of appeal. A copy of the written warning will be kept on the employee's personnel file but will be disregarded for disciplinary purposes 12 months after satisfactory conduct has been achieved and sustained.</p> <p>Alternatives to dismissal include:</p> <ul style="list-style-type: none">• Demotion• Transfer to another department or job• Loss of seniority• Reduction in pay <p>These sanctions can only be applied with the employee's agreement and, if offered and refused, the dismissal will stand.</p>
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- 20.3. The outcome of the disciplinary hearing will normally be confirmed in person to the employee following an adjournment for consideration by the panel. In cases where this is not possible, the employee will be informed when they will receive the outcome and how this will be conveyed to them.
- 20.4. The outcome of the disciplinary hearing will be confirmed in writing, usually within 5 working days, and will set out the procedure for appeal.
- 20.5. Whilst current, any written warning would be referred to in any employment reference.

Appeal Process

21. Appeals

- 21.1. The employee has the right to appeal against the disciplinary action taken against them. This must be in writing, stating the full grounds of appeal and sent to the individual named in the formal outcome letter within 5 working days of the date on which the employee was informed of the decision.
- 21.2. If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, they will be reinstated with no loss of continuity or pay.

- 21.3. On receipt of a written appeal, an Appeals Manager who has had no previous involvement in the case, will be appointed and an appeal hearing convened. An Appeals Manager will be a more senior manager than the Disciplinary Manager, where possible.
- 21.4. If the appeal is from a member of the SMT or the CEO it may be appropriate to appoint an external Appeals Manager. In these cases, the panel must include external representation.
- 21.5. The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be no less than 5 working days.
- 21.6. Employees who have been invited to attend an appeal hearing will have the right to be accompanied by a Trade Union Representative or a work colleague.
- 21.7. Appeal hearings will require a panel of 3 and a note taker will also be in attendance. Panels should be made of the Appeals Manager and a senior manager, Head of School, a member of the SMT, a member of the Local School Board or a member of the Company Board.
- 21.8. If the appeal is from a member of the SMT or the CEO it may be necessary for the entire panel to be appointed externally.
- 21.9. The hearing will not normally be a complete re-hearing and will focus solely on the grounds for appeal or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Appeals Manager's discretion depending on the circumstances of the case. In any event, the appeal will be dealt with as impartially as possible.
- 21.10. If any new matters are raised in the appeal hearing, further investigation may need to be carried out. The Appeals Manager may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light, this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.
- 21.11. Following the appeal hearing, the Appeals Manager may:
 - 21.11.1. confirm the original decision; or
 - 21.11.2. revoke the original decision; or
 - 21.11.3. substitute a different penalty. Ordinarily a penalty will not be increased on appeal unless there is new information or evidence available that requires further investigation.
- 21.12. The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible, this information will also be explained to the employee in person. There is no further right to appeal.

Other

22. Grievances raised against the taking of Disciplinary Action

- 22.1. Occasionally, an employee may consider that disciplinary action is not being, or was not, taken against them by reason of their conduct, but instead wholly or mainly by reason of something else.
- 22.2. If the employee wishes to raise a concern about the taking of disciplinary action they should do so by raising a grievance under the Grievance Policy. Any issues raised under a grievance relating to an existing disciplinary investigation or process will be considered in the disciplinary hearing or appeal rather than separately and lodging a grievance will not delay a disciplinary process.
- 22.3. If the grievance is not directly related to the disciplinary process, but is deemed to be connected significantly enough to have a potential bearing on the disciplinary process, then the grievance should be investigated and completed before the disciplinary proceeds.
- 22.4. If the grievance is of a completely separate nature then both processes will continue separately following the relevant policy and procedure.
- 22.5. HR must be consulted in all cases when a grievance is raised by an employee who is part of an active disciplinary investigation.

23. Allegations of Abuse made against Teachers and Support Staff

- 23.1. Please refer to the policy Allegations of Abuse Against Staff for further information on the management of these allegations.

24. Criminal Charges

- 24.1. Where conduct is the subject of a criminal investigation, charge or conviction the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances. Employees should inform their Head of School or TPIS HR immediately if they are involved in a criminal investigation or are subject to a charge or conviction.
- 24.2. The Company will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where employees are unable, or have been advised not to attend an investigation meeting or disciplinary hearing, or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.
- 24.3. A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is considered that it is relevant to the employee's employment.
- 24.4. Where a criminal investigation relates to allegations of abuse of children or young people, the Company will co-operate and share information about the employee with other relevant agencies as appropriate.

25. Referrals to External Bodies

- 25.1. In cases where employees are dismissed or resign during a disciplinary process a referral to the Disclosure and Barring Service and Teaching Regulation Agency will be made where the thresholds for referral are met.

26. Records

- 26.1. Records kept in relation to disciplinary action will be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act.

27. Review of Policy

- 27.1. This policy is reviewed annually by the Company. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Expected Conduct

28. Standard of Expected Conduct

- 28.1. As employees that represent the Company, the highest standards of conduct are required at all times to ensure the organisation retains its high reputation. This includes maintaining high levels of both professional and personal conduct.
- 28.2. Specific examples of conduct expected by the Company are listed below (please note the list is not exhaustive). Breaching any of these standards will be classed as misconduct and depending on the seriousness of the breach, may ultimately be deemed as gross misconduct. The Company will consider the implications of any breach of conduct on an employee's continued employment on a case by case basis.
- 28.3. In some cases, employee conduct outside of work may be considered as misconduct or gross misconduct for the purposes of their employment contract. Examples include the inappropriate use of social media which names TPIS or colleagues in a derogatory way, police investigations or safeguarding concerns.

28.3.1. Maintaining Confidentiality

- 28.3.1.1. All staff must treat sensitive, personal information with respect and confidentiality and not disclose it unless required to do so by their employer or by law. Staff must adhere to the data principles in the Data Protection Act. Further information on this can be accessed via the Data Protection Officer.

28.3.2. Attending Work

- 28.3.2.1. All employees must attend work in accordance with their specified working pattern and hours, be punctual, and follow school or departmental procedures for booking annual leave, requesting other time off, reporting sickness absence and recording hours worked.

28.3.3. Dressing Appropriately

- 28.3.3.1. All employees must ensure their overall appearance is appropriate to their role, smart, clean and tidy. Employees must not present themselves in a way that might undermine confidence in the Company or its services.

28.3.4. Observing Policies, Procedures and Rules

- 28.3.4.1. A number of policies, procedures and rules exist to ensure the safety of students and staff or to ensure the smooth running of the Company.
- 28.3.4.2. Employees must ensure they have read and understood all of the Company policies and procedures and are required to comply with all of the policies and procedures.

28.3.5. Behaving Appropriately

- 28.3.5.1. Employees should maintain appropriate standards of conduct and behaviour, both inside and outside the Company, and never behave in a way that might bring the Company into disrepute. If they do, disciplinary action may be taken, even if the behaviour occurs outside of work.
- 28.3.5.2. Employees should work cooperatively within teams and respect the skills, expertise and contributions of their colleagues.
- 28.3.5.3. Employees are expected to comply with all reasonable management requests.
- 28.3.5.4. Employees must make sure they do not use inappropriate or offensive behaviour including using obscene language and gestures, victimisation or harassment of other members of staff.

28.3.6. Reporting being Arrested, Cautioned, Charged or Convicted of a Criminal Offence

- 28.3.6.1. Employees arrested, cautioned, charged with or convicted of a criminal offence are required to report this to the Head of School, HR or CEO at the earliest opportunity. In particular, employees should confidentially disclose any investigations or interventions that they are subject to outside of work which may call into question their suitability to work with children.

28.3.7. Use of Company Property and Equipment

- 28.3.7.1. All employees have a general responsibility for the security of company property, for avoiding loss, and for ensuring resources are used most economically.
- 28.3.7.2. Employees must ensure that any company equipment or property they use is used properly for company activities. Equipment should not be used for work of a private or personal nature without prior permission and authorisation from an appropriate manager.
- 28.3.7.3. Employees must make sure they do not use the company telephone, email or internet use excessively for personal reasons.

28.3.8. Smoking

- 28.3.8.1. Employees are not allowed to smoke in no-smoking areas, this applies to anything that can be smoked and includes, but is not limited to cigarettes, electronic cigarettes, pipes

(including water pipes such as shisha and hookah pipes)
cigars and herbal cigarettes.

Gross Misconduct

29. Gross Misconduct

- 29.1. An employee may be liable to summary dismissal without notice or pay in lieu of notice if they are found guilty of gross misconduct.
- 29.2. The following are examples of issues which might constitute gross misconduct.
- 29.3. These are illustrative only and do not constitute an exhaustive list:
 - 29.3.1. A fundamental and/or wilful breach of the company rules, regulations and policies;
 - 29.3.2. Gross negligence or dangerous behaviour, which causes or may cause unacceptable loss, damage or injury;
 - 29.3.3. Grossly indecent or immoral behaviour;
 - 29.3.4. Abuse, or any other inappropriate behaviour or action, involving children whether this is inside or outside of the company, during work time or out of work time;
 - 29.3.5. Threatening or violent behaviour, fighting or physical or verbal assault;
 - 29.3.6. Fraud;
 - 29.3.7. Deliberate falsification of any records (e.g. time-sheets) in respect of the employee or any fellow employee;
 - 29.3.8. Making false declarations on applications for employment in the company which could lead to gaining employment by deception. Examples include false declarations of previous employment, referees or qualifications;
 - 29.3.9. Failure to declare a financial interest in contracts deemed a conflict of interest;
 - 29.3.10. Making false declarations or failing to disclose required information on a DBS check;
 - 29.3.11. Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare;
 - 29.3.12. Undertaking private work on the premises and/or during working hours and wilful disregard of duties or instructions;
 - 29.3.13. Breaching student or company confidentiality without lawful reason, for example the unauthorised use or disclosure of confidential information or failure to ensure that confidential information is kept secure;
 - 29.3.14. Theft or misappropriation of money or property whether belonging to the company, another employee or a third party;
 - 29.3.15. Unauthorised consumption of alcohol on the premises, or reporting for work under the influence of alcohol or controlled drugs;
 - 29.3.16. Any taking or possession of controlled drugs or stimulants, which have not been prescribed by a registered medical practitioner;
 - 29.3.17. Destruction/sabotage of company property or any other property on the premises;
 - 29.3.18. Serious Health and Safety breaches;
 - 29.3.19. Gross insubordination and/or refusal to obey legitimate instructions given by any members of the Senior Leadership Team.
 - 29.3.20. Repeated or serious failure to obey instructions, or any other serious act of insubordination;

- 29.3.21. Any breach of a legal statute, which has a direct effect on the employee's ability to undertake stated duties and/or on the desired characteristics of his or her position;
- 29.3.22. Allowing or assisting any unauthorised person to gain entry to the premises;
- 29.3.23. Any fundamental and/or substantial breach of trust or unauthorised disclosure of information relating to the company affairs to third parties;
- 29.3.24. A substantial failure to meet expected standards of work and/or behaviour amounting to serious neglect of duty;
- 29.3.25. Deliberately driving on company business without an appropriate licence and/or the appropriate insurance;
- 29.3.26. Discrimination or harassment or other breaches of the company's Equality and Diversity Policy;
- 29.3.27. Failure to inform the Senior Leadership Team of any criminal charges/convictions or police cautions that are relevant to the employee's employment;
- 29.3.28. Serious breaches of the company's Safeguarding and Child Protection Policy and Procedure;
- 29.3.29. Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries;
- 29.3.30. Serious breaches of the company's External Communication Policy, Data Protection Policy, Acceptable use of the Internet Policy; and Photography & Social Media Policy;
- 29.3.31. In respect of teaching staff, a serious breach of the standards of professional conduct as set out in the Teacher's Standards or unacceptable professional conduct;
- 29.3.32. Any conduct which indicates that the employee no longer intends to be bound by his or her duties or which calls into question the mutual bond of trust and confidence that must exist between the employer and the employee;
- 29.3.33. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- 29.3.34. Making untrue allegations in bad faith against a colleague;
- 29.3.35. Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing Policy, Grievance Policy, Disciplinary Policy or otherwise;
- 29.3.36. Undertaking unauthorised paid or unpaid employment during your working hours;
- 29.3.37. Unauthorised entry into an area of the premises to which access is prohibited.

