



GALILEO

MULTI ACADEMY TRUST

EMPLOYEE DISCIPLINARY POLICY AND PROCEDURE

Last Reviewed: March 2023

Document Control			
Review period	24 Months	Next review	March 2025
Owner	CEO	Approver	ESICC

This document applies to all schools and operations of the Galileo Multi Academy Trust:

www.galileotrust.co.uk

Contents

<i>Introduction</i>	3
<i>Procedure</i>	3
<i>Suspension</i>	4
<i>Investigation</i>	5
<i>Cases involving child protection issues, vulnerable adults or financial irregularities</i>	5
<i>Informal warnings</i>	6
<i>Disciplinary meeting</i>	6
<i>Outcomes of disciplinary meeting</i>	6
<i>Time limits for warnings</i>	8
<i>Appeals</i>	8
<i>Appendix 1 - Misconduct</i>	10
<i>Appendix 2 - Note of management advice template</i>	11
<i>Delegation of decisions</i>	13

Introduction

The disciplinary procedure supports the Galileo Trust Board and local school board standards, and aims to ensure consistent and fair treatment for all. It is not for the purpose of dealing with problems associated with unsatisfactory work performance arising from an employee's lack of capability or poor attendance; these are dealt with via separate policies and procedures.

The procedure applies to all employees of Galileo Multi Academy Trust.

Members of the school senior leadership team are responsible for operating this procedure and are able to issue disciplinary warnings. School leader or equivalent and the chair of LSB committee are required to consider any case where an outcome may be dismissal.

The term 'Manager' is used in this document to refer to the line manager who is designated by the governing body to operate this procedure.

Managers are responsible for specifying the standards of behaviour required, enforcing the rules and ensuring that breaches are tackled promptly. They should give the implementation of the disciplinary procedure a high priority when they need to use it.

Should this procedure apply to the school leader, an appropriate person will be required to investigate any allegations. Where there is a case to answer, the CEO or CEO and Chair of LSB committee will convene a meeting to consider the allegations and take any necessary disciplinary action.

Each case of potential misconduct should be treated on its merits.

Employees who abuse this or any other procedure by making malicious or frivolous allegations may face disciplinary action.

All parties involved in a disciplinary matter should treat the information which is the subject of the disciplinary investigation in strict confidence. Information should not be shared with individuals who are not directly involved in these procedures. However, those involved can discuss these matters with their representatives or advisors i.e. trade union or the HR representatives.

Procedure

An employee who is subject to this procedure has the right to be:

- Accompanied by a trade union representative or work colleague at the investigation stage.
- Represented by a trade union representative or work colleague at a disciplinary/appeal hearing.

The employee is responsible for arranging to be accompanied or represented.

A manager who is considering taking disciplinary action should ask for advice and/or participation from other persons including their HR representative and school leader.

An employee can be offered transfer to alternative employment within their school or within Galileo schools (including relegation to a post with less responsibility on a lower grade) as an alternative to dismissal, either as a result of a disciplinary hearing or on appeal, if this is considered appropriate in the circumstances.

If the employee concerned is a trade union officer, the manager should inform the full-time regional trade union official prior to commencement under this procedure.

Employees will not usually be dismissed for their first breach of discipline, unless it is a case of gross misconduct.

Suspension

Suspension will not be appropriate in all circumstances where disciplinary investigations are being carried out; Suspension will depend on factors such as the nature of the employee's suspected misconduct, if there is enough evidence to suggest that there has been an act of gross misconduct or, if the employee's presence at work could hinder any investigation.

Gross misconduct is generally defined as a serious breach which destroys the employment contract between the employer and the employee and renders any further working relationship and trust impossible (see appendix to this procedure).

An employee can only be suspended on the authority of the school leader or in the case of the school leader, by the CEO. The manager must make it clear that suspension is not a disciplinary penalty in itself and that it will not prejudice any future disciplinary hearing. The employee must be given the name of a person to contact while they are suspended to keep open a means of communication with the employer.

During the suspension, an employee will be paid the same as if he or she were on authorised absence in accordance with the requirements of the School Standards and Framework Act 1998.

At frequent intervals, the manager must review whether an employee should stay suspended. Any suspension which extends beyond four working weeks must be reported to the Chair or Governors and CEO with details of how the investigation is progressing and when it is likely to end. Where any suspension continues for three months, the employee must be notified of the reasons for the suspension continuing and when it is likely to come to an end.

When investigations are complete following a suspension from duty, a disciplinary hearing will be held by the member of the school leadership team and the chair of the LSB committee if there is a case to answer. This hearing will consider the evidence available and allow the employee to respond to any allegations which arise from the investigation. Employees have the right to be accompanied at disciplinary

hearings by a trade union representative or work colleague. The outcome of any hearing will range from immediate reinstatement and no further action, to a summary dismissal without notice.

If an employee is suspended pending an investigation or disciplinary meeting and subsequently submits a fit note, the period of sickness absence may impact on their Occupational sick pay entitlement.

Investigation

Disciplinary action must not be taken before there has been an investigation into the circumstances.

If the initial information received or the complaint against an employee does not suggest potential gross misconduct, the manager will usually arrange for the allegations to be investigated and take any disciplinary action which follows at a subsequent disciplinary hearing.

If the evidence against an employee does suggest potential gross misconduct, the manager should investigate the allegations following any individual/s being suspended from duty without prejudice. The school leader/equivalent and the chair of the LSB committee will consider any allegations at a disciplinary hearing.

An employee will receive reasonable notice, in writing, of the requirement for them to attend any investigative meeting. The letter should also give them information about the allegations and their right to be accompanied by a trade union representative or work colleague.

Any investigation should be completed within a reasonable timescale (unless there are exceptional circumstances). However, where there are child protection implications and a case is being investigated by outside agencies, the time to complete all investigations could be considerably longer.

The employee who raised the grievance will be kept informed of progress and timescales throughout the process.

Cases involving child protection issues, vulnerable adults or financial irregularities

Any complaint involving allegations relating to child protection issues must be considered in accordance with Galileo's Child Protection Policy/managing allegations against staff before any investigation takes place under this procedure.

Any complaint involving vulnerable adults must be referred to the Lead Authority Designated Officer (LADO) before any investigation takes place under this procedure.

The Chair of LSB committee and the CEO must be notified of any allegations or indications of any financial irregularities immediately.

Informal warnings

Following an investigation where a manager considers that a disciplinary hearing is not appropriate, an informal verbal warning could be issued in the form of a note of management advice. (Appendix 2 – note of management advice form template)

Any informal verbal warning will be recorded by the manager and referred to if any further misconduct takes place within a period of one year.

The warning will be accompanied by a requirement that no further misconduct occurs otherwise the formal procedure will be invoked.

There is no right of representation in meetings where informal verbal warnings may be considered and there is no right of appeal against informal verbal warnings.

Disciplinary meeting

If the investigating manager concludes, following an investigation, that there is a case to answer at a disciplinary hearing, the employee should be notified in writing that such a hearing will take place. The letter enclosing a copy of this procedure should give them reasonable notice of the hearing. The following information should also be included in the letter.

- The date and time of the hearing;
- Details of the allegations;
- The fact that the employee will have the opportunity to state their case and question any witnesses;
- The right to invite a trade union representative or work colleague to represent them (please note that the representative will support the employee but will not be allowed to answer questions on the employee's behalf);
- Any previous warnings that could be taken into account when deciding the level of any disciplinary action;
- The fact that, depending on its findings, the hearing could result in disciplinary action and (adding where appropriate) that this could include dismissal.

If an employee's chosen companion will not be available at the time proposed for the hearing, the hearing will be postponed to a time proposed by the employee, provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

Disciplinary action can be taken at any level from a recorded verbal warning to dismissal, depending on the nature of the misconduct.

Outcomes of disciplinary meeting

If, following an investigation and disciplinary hearing, the disciplining manager concludes that disciplinary action is required, the following options are available.

Level 1: Recorded verbal warning

If the conduct concerned is unacceptable but not serious in nature, a recorded warning will normally be appropriate. This will remain on the employee's personal file for a period of 12 months.

Level 2: Written warning

If the offence is considered too serious for a recorded verbal warning, or if there is further misconduct while a recorded verbal warning remains in force, the disciplining manager may give the employee a written warning. This will remain on the employee's personal file for a period of 12 months.

Level 3: Final written warning

If the misconduct is significantly more serious for a written warning, but not serious enough to warrant dismissal, or if there is further misconduct while a previous written warning remains in force, the disciplining manager may give the employee a final written warning. This will remain on the employee's personal file for a period of 18/24 months depending on the severity of the individual case.

The employee must be given written confirmation of any warning, within a reasonable timescale of the hearing, together with an explanation of:

- The reason for the warning;
- Whether it is recorded verbal, written or final written warning;
- The employee's right of appeal;
- The fact that a note will be kept on their personal file indicating that a warning has been given, the reasons for it and any required improvements in conduct which have been specified;
- The fact that further misconduct may lead to further disciplinary action which could, where appropriate, include dismissal;
- The fact that the warning will be disregarded for further disciplinary purposes after the expiry of the time period.

Level 4: Dismissal, and dismissal with offer of re-engagement

If, following an investigation and disciplinary hearing, the school leader/equivalent and chair of LSB committee are satisfied that an offence of gross misconduct has been committed they will summarily dismiss (without notice) the employee. The employee will receive confirmation of the decision to dismiss, in writing, within a reasonable timescale of the hearing, explaining the reasons for the dismissal and also employee's right of appeal.

Alternatively, if, while a final written warning is still in force, the employee's conduct is still unsatisfactory, as determined by a subsequent investigation and disciplinary hearing, a decision to dismiss with notice will normally be taken. The employee will receive confirmation of the dismissal in writing within a reasonable timescale of the hearing, explaining the reasons for the dismissal and also the employee's right of appeal. The employee will not be required to attend work but will receive pay in lieu of notice.

If appropriate, the school's headteacher may dismiss an employee on either of the above grounds and offer to re-employ them in a different job within their school or

other Galileo school. The alternative post should be identified when the employee is told the outcome of the disciplinary hearing and this may require the proceedings to be adjourned. The alternative post may mean relegation to a lower grade. No pay protection will apply. A final written warning will form part of such a disciplinary decision. If the employee refuses the offer of transfer/relegation, his/her dismissal will take place.

Where an employee is dismissed for gross misconduct, the employee shall receive a payment in lieu of any outstanding statutory leave only. No payment will be made in respect of outstanding contractual leave.

Time limits for warnings

Unless there are exceptional circumstances, disciplinary warnings will be disregarded for disciplinary purposes once the following periods of time have elapsed since the warning was given:

- recorded verbal warnings 12 months
- written warnings 12 months
- final written warnings 18 months or 24 months depending on the individual circumstance

Depending upon the nature of the misconduct, the disciplining manager may impose a final written warning that will remain in force for a period of 18 months or 24 months. In this event the employee must be told in writing how long the warning will remain in force and the reason for the longer time period. In exceptional circumstances (e.g. abuse against children and vulnerable adults), the written warning may be extended for as long as the employee concerned is employed in his/her current job or a similar job. If an employee considers that the extended time period is unreasonable, he or she may appeal to the clerk to the governors who will convene an appeal hearing.

Where disciplinary action relates to abuse against children, vulnerable adults, breaches of financial regulations or issues which relate to a breach of discrimination legislation, the relevant documentation should be retained on the employee's personal file for as long as he/she remains in his/her existing (or similar) post. Child protection/safeguarding breaches will be reported to the DBS. The documentation will not, however, form part of any subsequent disciplinary action if it is time-expired.

Appeals

An employee who wants to appeal against a disciplinary decision should inform the clerk to the governors within five working days of receiving the decision in writing. The employee must explain the grounds for the appeal, specifying whether it relates to the facts of the matter, the level of sanction imposed or the way the procedure was followed. Appeals against written warnings or final written warnings will be heard by the school leader. Appeals against dismissal will be heard by the Trust

Board panel. Those involved in hearing the appeal will not have been previously involved in the case.

The purpose of an appeal is:

- To consider whether the outcome was fair and reasonable;
- To consider whether the procedure has been followed correctly;
- To consider any new evidence.

An appeal is not a re-hearing of the disciplinary hearing, but a review of the decision. The outcomes open to those hearing the appeal are to:

- Uphold the appeal;
- Reject the appeal in full;
- Reject the appeal in part and impose a lower level of warning;

The disciplining manager will present the case at any appeal against a disciplinary decision.

The appeal will take place within a reasonable timescale of the appeal request being received by the clerk to the governors.

A dismissed employee who is reinstated on appeal will have normal salary reinstated between the effective date of dismissal and the date of return to work.

There is no further right of appeal.

During the lock down, staff will keep agreed lines of communication open but not make unnecessary calls to the office as this could delay more important communication.

Appendix 1 - Misconduct

The list below is not intended to be exhaustive; other circumstances not listed here may be defined as misconduct.

General misconduct

- Persistent lateness

Serious misconduct

- Disregard of health and safety rules
- Failure to carry out a reasonable management instruction
- Failure to adhere to LST values and code of conduct

Gross misconduct

Some examples of the offences which may be regarded as gross misconduct may include:

- Child protection offences.
- Theft or unauthorised use or removal of the school's, a service user's, a client's or a fellow employee's property.
- Bringing the Trust or any of the Trust schools into disrepute, for example via social media.
- Fraud.
- Falsification of time-sheets, expenses claims or other records.
- Fighting or physical assault.
- Harassment or discrimination on the grounds of race, gender, sexuality or disability or a breach of any other discrimination legislation.
- Deliberate damage to school or a fellow employee's property.
- Inability to carry out normal work through being under the influence of alcohol or other drugs (medically prescribed drugs may be an exception).
- Deliberate disregard for health and safety rules.
- Serious negligence causing unacceptable loss, damage or injury.
- Misuse of an employee's official position for personal gain, or for the inappropriate benefit of a friend, colleague or member of the employee's family.
- Failure to comply with a reasonable management instruction, despite being warned of the consequences.
- Failure to adhere to LST values and code of conduct, despite being warned of the consequences.
- Any act which leads to a fundamental breakdown in trust and confidence in the employee.
- Conviction of a criminal offence, whether or not involving an incident occurring in the course of employment, of such a nature that it is unacceptable for the employee to remain in their post.

Appendix 2 - Note of management advice template

NOTE OF MANAGEMENT ADVICE & GUIDANCE (INFORMAL WARNING)			
Name of employee:		School/team:	
Job title:		Date:	
School headteacher/manager (print name)			
Job title:			
Accompanied by (print name)			
Job title			

Reason for management advice and guidance (description of incident of concern):

Comments:

Management advice and guidance given:

Please detail any support to be provided by management and/or the school:

Please also detail any specific action required by the employee:

Signed by: (School headteacher/manager)

Date:

I understand the concerns discussed and I understand that any breach of this note of management advice and guidance could result in formal disciplinary action being taken against me in the future.

Signed and agreed by: (Employee)

Date:

Delegation of decisions relating to all generic HR Policies including disciplinary, attendance, capability, etc. (June 2018)

Staff group	Initial hearing - up to & including final written warning	Appeal	Initial hearing – up to & including dismissal	Appeal
All school staff, up to, but not including members of school senior leadership team	Members of the school senior leadership team	School leader or equivalent	School leader or equivalent and Chair of LSB committee	Trust board panel
Members of the school senior leadership team	School leader or equivalent	CEO	CEO and Chair of LSB committee	Trust board panel
School leader or equivalent	CEO	Trust board panel	CEO and Chair of LSB committee	Trust board panel
CEO	Chairman of the board or Vice chair	Trust board panel	Trust board panel	Trust board appeal panel
Executive Team	CEO	Trust board panel	CEO and a Trust panel member	Trust board panel
Central Galileo Team	Senior member of the central Galileo Team.	CEO	CEO and a Trust panel member	Trust Board panel

Please note: where ‘School leaders’ are referred to this describes the person that is ultimately accountable for an institution.

In the case of formal hearings and appeals, a HR representative must be in attendance.

At hearings up to and including dismissal, the Chair of the LSB committee may delegate the task to a suitable LSB representative.

Trust Board panels shall have a minimum of three members.

Decisions on who presents the cases will be made as appropriate to each case.