

DISCIPLINARY POLICY AND PROCEDURE

June 2020



Summary	The Disciplinary Policy and Procedure has been written to comply with ACAS Code of Practice on Disciplinary and Grievance Procedures April 2009 (revised 2015). It provides a system whereby disciplinary matters can be dealt with speedily whilst ensuring that the principles of natural justice are preserved.		
Responsible Person/Author:	Denise Kriens (Director of HR)		
Applies to: (please circle/delete as appropriate)	Staff <input checked="" type="checkbox"/>	Student <input type="checkbox"/>	Community <input type="checkbox"/>
Ratifying Committee(s) and Date of Final Approval:	June 2020		
Version:	1.0		
Available On:	Metacompliance Library <input type="checkbox"/>	Website <input checked="" type="checkbox"/>	
Effective from:	June 2020		
Date of Next Formal Review:	June 2022		

DOCUMENT CONTROL

Date	Version	Action	Amendments
June 2020	1.0	Reformatted Policy first implemented	N/A

CONTENTS

- 1.** Introduction
- 2.** Scope of the Procedure
- 3.** Core Principles
- 4.** Management of Staff
- 5.** Allegations of a Serious Nature
- 6.** Misconduct and Gross Misconduct
- 7.** Suspension
- 8.** Stages of the Disciplinary Procedure
- 9.** Disciplinary Hearing
- 10.** Appeals against Disciplinary Action
- 11.** Record of Warnings

1. Introduction

- 1.1 The Disciplinary Policy and Procedure has been written to comply with ACAS Code of Practice on Disciplinary and Grievance Procedures April 2009 (revised 2015). It is intended to provide a system by which disciplinary matters can be dealt with speedily whilst ensuring that the principles of natural justice are preserved.
- 1.2 The Procedure also complies with our statutory requirements in relation to Keeping Children Safe in Education (DfE), Working Together to Safeguard Children (DfE) and is in line with the local Safeguarding Children Boards (SCB). With any safeguarding concerns or allegations relating to a member of staff or an adult towards children, the RMAT Procedure for Dealing with Allegations against Staff should be applied in conjunction with this policy, in line with our statutory responsibilities.
- 1.3 The same disciplinary standards apply to union officials as they do to all employees. However, where it is proposed to take disciplinary action against a trade union official, HR will notify a senior trade union representative or full time official.
- 1.4 This Policy was initially based upon the LCC Schools Disciplinary Policy and Procedure as consulted upon with trade unions by the HR Schools Team.

2. Policy statement

- It is a fundamental principle that disciplinary matters are dealt with at the lowest possible level
- The Procedure should be used primarily to help and encourage employees to improve rather than as a way of imposing a punishment
- Issues should be dealt with as thoroughly and promptly as possible;
- The employee should be informed of any complaint/allegation against them; and be provided with as much information as deemed appropriate without compromising the investigation
- The employee should be provided with an opportunity to state their case before decisions are reached
- Any action taken should be reasonable in the circumstances of the case
- An employee should not be dismissed for a first disciplinary offence, unless it is a case of gross misconduct, in which case dismissal may be the outcome
- An employee should be told what the required standards of behaviour and conduct are
- Where an employee has been warned before about their conduct or behaviour, it should be made clear at the time, that if there is a further instance of misconduct, formal disciplinary action could be taken
- The employee should be given the right to appeal against any form of disciplinary action
- The employee has the right to be accompanied by a trade union representative or a work colleague unconnected with the case or other person of their choice not acting in a legal capacity at any stage during the Procedure (including the investigatory interview)
- The panel/Chair should not have had any prior involvement with the investigation. Those conducting an appeal should not have had any prior involvement with the investigation or the disciplinary hearing.

3. Scope

The Disciplinary Procedure applies to all Rodillian Multi-Academy Trust employees.

4. Dissemination and implementation

- 4.1 The policy will be held on the Trust and academy websites (if applicable) where it will be accessible to all staff. Following any review of the policy resulting in an updated version being adopted by the Trust Board, staff will be advised by email/alert where they may access it and advised as to whether they are required provide confirmation that they have read the document.
- 4.2 Appropriate training and guidance will be provided by HR regarding the implementation of the policy for the relevant managers in relation to any new or revised procedures and guidelines within an appropriate timescale.

5. Definitions

5.1 ALLEGATIONS OF A SERIOUS NATURE

In some cases, it may be appropriate to involve the police, particularly in cases where the allegations are of a safeguarding or child protection nature. It may also be appropriate where an alleged criminal act has taken place. Advice on these matters should be sought from HR. Where the allegations are of a safeguarding or child protection nature these MUST be reported immediately to a member of the HR Team.

Where an allegation of this nature has been received against a member of staff or another adult, the Trust will refer to the RMA Procedure for Dealing with Allegations against Staff and other adults and the Trust's Child Protection Policy. HR will liaise with the Local Authority Designated Officer (LADO) if required in line with this policy.

5.2 MISCONDUCT AND GROSS MISCONDUCT

5.2.1 Misconduct

This is a breach of discipline which on its own is not sufficiently serious to warrant dismissal, but which will warrant action being taken under this Procedure. In cases where misconduct takes place and live warnings for this or another type of misconduct are still in force, then unless mitigating circumstances are proven, the employee may be dismissed without notice.

Examples of misconduct are listed below. This list is not intended to be exclusive or exhaustive and there may be other incidents of misconduct of a similar gravity.

- Poor timekeeping including unauthorised absence
- Failure to follow reasonable management instructions
- Failure in duty of care towards pupils and staff at the Academy/Centre/Trust
- Failure to safeguard and protect the health, safety and wellbeing of pupils and staff at the Academy/Centre/Trust
- Minor instances of neglect of duties and responsibilities
- Wilful failure to work in harmony with employees of the Academy/Centre/Trust
- Deliberate breaches of the Trust's policies and procedures
- misuse of the Academy/Centre/Trust facilities (e.g. telephone and the internet including social networking sites)

5.2.2 Gross Misconduct

This is a grave breach of discipline which may be serious enough to destroy the employment contract between the Academy/Centre/Trust and the employee causing a breach of trust and making any further working relationship impossible.

Gross misconduct would normally lead to dismissal or a final written warning; even first incidents of gross misconduct. This list is not intended to be exclusive or exhaustive and there may be other incidents of gross misconduct of a similar gravity which could result in dismissal.

- Theft or fraud
- Falsification
- Serious breaches of the Trust's Code of Conduct and/or other Professional Codes of Conduct
- Breaches of the Trust's Leadership Team Protocols, where applicable
- Refusal to register with mandatory professional bodies (including persistent failure)
- Serious breaches of the Trust's policies and procedures
- Failure in duty of care to safeguard and protect pupils or young adults at the Academy/Centre/Trust by placing them at significant risk
- Physical violence or bullying
- Unlawful discrimination or harassment
- Serious and deliberate damage to property
- Serious insubordination (e.g. deliberate; inexcusable; rebellious; refusal; wilfully disobeying)
- Serious incapability at work brought on by alcohol or illegal drugs
- Serious abuse of the Academy/Centre/Trust ICT and E-Safety Policy (e.g. in relation to accessing pornographic internet sites or sending and receiving offensive or obscene material)
- Serious misuse of Academy/Centre/Trust facilities (e.g. telephone and the internet including social networking sites)
- Causing loss damage or injury through serious negligence
- Behaviour in or outside of work that may bring the reputation of the Academy/Trust into disrepute

5.3 SUSPENSION

See Appendix 2 of the Guidance for further information

Before considering the suspension of an employee, the Executive Headteacher/Head of School must seek advice from HR.

Where the matter of concern is regarding the conduct of the Head of School, the Executive Headteacher should seek advice from HR prior to considering a suspension.

Where the matter of concern is regarding the conduct of the Executive Headteacher the Chair of the Trust Board should seek advice from HR prior to considering a suspension.

In certain cases, a period of suspension from work on full pay may be considered whilst the case is being investigated or before a disciplinary hearing is held.

Suspension should not be undertaken without good reason and alternatives to suspension should be considered before it is imposed. Circumstances in which suspension properly occurs include:

- where there are sound reasons to believe that pupils and/or staff and/or property are at risk;
- where it is believed that the continued presence of the employee might prejudice enquiries or influence witnesses;
- Where the allegations are so serious that dismissal for gross misconduct is possible.

Suspension is not a disciplinary sanction. The Executive Headteacher/Head of School may consider a temporary redeployment as an alternative to suspension.

Suspension will be on full pay without prejudice to the outcome of the investigation

The employee should be notified in person of the decision to suspend and should have the opportunity to be accompanied by a trade union representative or a work colleague unconnected with the case or other person of their choice not acting in a legal capacity if they wish. The employee should normally be sent confirmation of the suspension in writing within 1 working day or as soon as reasonably practicable. Any restrictions relating to an employee's suspension should be included in the letter.

6 Roles and responsibilities

6.1 All staff (except the Executive Headteacher/Head of School)

The day to day supervision of staff is part of the normal managerial process. In most cases the supervisor is the Executive Headteacher/Head of School. It is important therefore that the immediate supervisor clarifies with employees the duties to be performed and the standards expected.

If a complaint/allegation is made against an employee HR advice should be sought prior to any informal or formal action being taken.

On receipt of a complaint, the Executive Headteacher/Head of School with the advice of HR, should assess if the potential disciplinary matter can be dealt with informally. If this is done there is likely to be less recourse to the formal procedures.

- 6.1.2 If an immediate superior has a concern about an employee's standards of conduct, it should be brought to the attention of the employee at the earliest possible opportunity in the form of an informal allegations meeting. Where such a meeting takes place, the Executive Headteacher/Head of School/Director of HR/nominated person should explain at the meeting to the employee the area(s) of concern, any allegations made and give the employee the opportunity to respond. An allegations letter may be presented to the employee at this stage if deemed appropriate by HR.
- 6.1.3 It is important that the Executive Headteacher/Head of School/Director of HR/ nominated person tries to establish if there are any mitigating circumstances that may have contributed to the employee's conduct. They should deal sympathetically with the employee but at the same time ensure that the employee is in no doubt as to the conduct required.

This form of approach is considered as being outside the formal disciplinary procedures.

- 6.1.4 The Executive Headteacher/Head of School will initiate the Disciplinary Procedure having taken advice from HR in the following circumstances:
- a) Where the Executive Headteacher/Head of School/nominated person has assessed that the matter cannot be dealt with informally
 - b) Where the member of staff has been given a previous management warning for behaviour of a similar nature
 - c) Where the allegation is of a safeguarding or child protection nature. In these circumstances HR will consult with the Designated Officer (DO)/LADO for the relevant local authority in relation to the appropriate course of action, where HR

deem that a child may have been harmed or at risk of being, in line with the RMAT Procedure for dealing with allegations against staff and other adults.

6.2 Concerns about the conduct of the Executive Headteacher

Where a matter of concern involves the Executive Headteacher it is for the Chair of the Trust Board to determine who would be the most appropriate person to appoint as an Investigating Officer, for example:

- A member of the Trust Board
- A member of the HR Team (in exceptional circumstances)

6.3 Concerns about the conduct of the Head of School

Where a matter of concern involves the Head of School it is for the Executive Headteacher to determine who would be the most appropriate person to be appointed as an Investigating Officer e.g.

- A member of the Trust Board
- A Head of School from a different Academy/Centre.
- A member of the HR team (in exceptional circumstances).

(See Appendix 1 of the Guidance)

7 Procedure

7.1 STAGES OF THE DISCIPLINARY PROCEDURE

- 7.1.2 The Chair of the Trust/Executive Headteacher/Head of School should frame the allegations, with advice from HR. The Chair of the Trust/Executive Headteacher/Head of School/ nominated person should verbally advise the employee of the allegation(s) made against them and advise them that an Investigating Officer has been appointed. This should be confirmed to the employee in writing.
- 7.1.3 The Investigating Officer should be a person with no involvement in the matter under investigation. With the exception that they may have been made aware of the initial concern as a senior member of staff or HR. The Investigative Officer should, wherever possible, be a senior member of the Academy/Centre/Trust staff. In exceptional circumstances a member of the HR Team may be appointed. The Head of School should not be appointed as the Investigating Officer, unless there are exceptional circumstances. See Appendix 1 of the Guidance).
- 7.1.4 If the matter under investigation involves an allegation(s) of a safeguarding or child protection nature and the police or child protection agencies are involved then the Academy/Trust investigation may have to be held in abeyance until the external investigation has been completed. See the RMAT Procedure for Managing Allegations against Staff and other adults.
- 7.1.5 The Investigating Officer's brief will be to establish the facts of the case. All investigations will be undertaken in the strictest confidence.
- 7.1.6 As part of the investigation a meeting should be arranged with the employee as soon as possible, giving a minimum of 5 working days' notice (or less if all parties are in agreement) in writing to the employee, who will have been advised beforehand that they may be accompanied a trade union representative or a work colleague unconnected with the case or other person of their choice not acting in a legal capacity.

- 7.1.7 At the meeting, the Investigating Officer should present the allegation(s) to the employee who should be invited to respond in full to these and to any other information submitted by the Investigating Officer.
- 7.1.8 At any point during the meeting the employee may request a short adjournment to consult their representative.
- 7.1.9 The investigation should be conducted as soon as possible. Where reasonable the investigation should be completed within 20 working days. However, if the investigation is not completed within 20 working days then the employee will be informed of this and given regular information as to how the investigation is progressing.
- 7.1.10 As part of the investigation the Investigating Officer will determine the appropriate action and a written report should be prepared on the facts of the case which will include a list of every individual who has been interviewed, together with records of interviews, and any other evidence. These will be made available to all parties should a disciplinary hearing ensue.
- 7.1.11 The Investigating Officer in consultation with HR, should decide and advise the employee accordingly that they intend to:

- a) Take no further action under the disciplinary procedure
- b) Where a recommendation has been made by the Investigating Officer that the matter should proceed to a disciplinary hearing, consideration may be given, by the Executive Headteacher and Director of HR to the proposal of an agreed outcome between the Academy/Trust and the employee and their representative (if applicable), whereby the employee may accept a verbal, written or final written warning as an alternative to proceeding to a formal hearing. Where an agreed outcome has been reached the employee will waive their right of appeal.

It should be noted that the employee is entitled to proceed to a full hearing should they wish to do so.

- c) Convene a disciplinary hearing before the Chair of the Trust/Executive Headteacher in cases of alleged misconduct/or in cases of alleged gross misconduct.
- d) Convene a disciplinary hearing before a panel of the Trust Board/Governing Body in the following cases:

Cases of alleged misconduct where the Executive Headteacher cannot hear the case because they have prior knowledge of the case, or have acted as Investigating Officer, or are required as a witness (see Appendix 1 of Guidance).

- Cases of alleged gross misconduct
- Cases of cumulative misconduct
- Where the subject of the investigation is the Executive Headteacher/Head of School whether the case is misconduct, cumulative misconduct or gross misconduct.

Examples of Misconduct and Gross Misconduct can be found in Section 6

- 7.1.12 After the investigative process has been completed and the Investigating Officer has consulted with HR, the member of staff must be informed in writing of the decision taken by the Investigating Officer.
- 7.1.13 Where the outcome is not to refer the matter to a disciplinary hearing, there should be a meeting with the employee to advise them of this decision. The employee may be

accompanied or represented by a trade union representative or a work colleague unconnected with the case or other person of their choice not acting in a legal capacity.

- 7.1.14 If the employee has been suspended and it is not intended to proceed with any form of disciplinary action, the suspension should be lifted immediately. There should be a meeting with the member of staff to discuss their return to work.
- 7.1.15 Where a decision has been made not to proceed with a hearing a record of the investigation will be kept on the employee's personal file, however, this will be in a sealed envelope marked 'HR Confidential' and the outcome of the investigation will be clearly noted on the documentation. In addition, HR will keep a confidential copy on file, in accordance with the periods specified under the General Data Protection Regulation (GDPR).
- 7.1.16 Where a formal sanction has been issued, a record should be kept on the employee's personal file in an envelope marked 'HR Confidential'. It will be clearly noted on the documentation when the warning has expired.
- 7.1.17 Allegations that are found to be malicious should be removed from personnel records; however, for all other allegations, it is important that a clear and comprehensive summary of the allegation(s), details of how the allegation(s) was followed up and resolved, and a note of any action taken and decisions reached, is kept in a confidential file held securely within the HR team.
- 7.1.18 The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.
- 7.1.19 The MAT has an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website).

See the RMA Procedure for Dealing with Allegations against Staff and other adults for further guidance. Also refer to the DfE Keeping Children Safe in Education.

- 7.1.20 Other than in the event of dismissal, the opportunity should be given for informal counselling. This could be used to give appropriate guidance, support and reassurance to the employee.
- 7.1.21 If disciplinary action is to be taken, the Investigating Officer's report will be made available to all parties in the bundle of papers, prior to the disciplinary hearing.
- 7.1.22 The Investigating Officer should ensure the potential outcome of gross misconduct and possible dismissal is communicated throughout the process, in all formal letters to the member of staff.

8. DISCIPLINARY HEARING

8.1 Notification of a disciplinary hearing

- 8.1.1 The Investigating Officer will be responsible for the administrative arrangements for the hearing. They will advise the employee verbally of the decision to conduct a disciplinary hearing, and confirm this in writing within 3 working days. The employee will be given at

least 7 clear working days' notice, in writing, of the arrangements for the hearing, but not more than 20 working days under normal circumstances

- 8.1.2 The Investigating Officer will arrange a date for the hearing. The case will normally be presented by the Investigating Officer or in exceptional circumstances another senior member of the Trust staff or a member of the HR Team. Where the hearing date is postponed at the request of the employee or their representative, one further hearing date will be arranged. In the event that the employee is unable to attend on the second date arranged, the hearing may proceed in the employee's absence, based on the evidence available.
- 8.1.3 The letter inviting the employee to the hearing must state the nature of the allegations and if they involve documents that will be used in evidence, these should be dispatched to the employee with the letter. A copy of the Investigating Officer's report must also be made available to all parties. The employee must be advised that if they wish to produce any document in evidence or any references/testimonials, then these should be forwarded to the Investigating Officer at least 3 working days in advance of the hearing. If witnesses are to be called by either party, their names and job titles must be made available at the same time as any documentary evidence.
- 8.1.4 The employee must be advised that they have the right to be represented by a trade union representative or a work colleague unconnected with the case or other person of their choice not acting in a legal capacity

8.2 Disciplinary hearing before the Chair of the Trust Board/Executive Headteacher/Head of School/Panel of the Trust Board/Governing Body

- 8.2.1 The disciplinary hearing should be conducted in the manner described in Appendix 3
- 8.2.2 Disciplinary action available to the chair/panel undertaking the hearing

(See Appendix 5 Guidance Notes, Paragraph 2, which indicates the factors that should be taken into account when deciding what action is appropriate)

Following a disciplinary hearing they may:

- Take no action
- Issue a verbal warning
- Issue a formal written warning to the employee
- Issue a final written warning to the employee
- Dismiss the employee with or without notice. NB (see 8.10) Only the Executive Headteacher or a Panel of the Trust Board/Governors have the powers to dismiss.

8.2.3 Implementing the action

Wherever possible the employee should be advised verbally of the decision which should be put confirmed in writing no later than 3 working days after the hearing. The written notification should:

- state the precise nature of the misconduct
- specify the disciplinary action being taken
- state, if appropriate, the period of time given for improvement which is expected.
- indicate the likely consequences of further misconduct
- inform the employee of their right to appeal within 10 working days of receiving the written decision.

- state to whom the appeal should be made

Where a decision has been taken to recommend dismissal of an employee, consideration may be given, in consultation with the employee, as to whether a transfer to an alternative post or job, at the same or lower grade within the Academy/Trust, could properly be offered as an alternative to dismissal.

In the event of no sanction being applied a record of the disciplinary hearing shall be retained on the member of staff's file in a sealed envelope marked 'HR Confidential' and the outcome of the case will be clearly noted on the documentation therein. In addition, HR will keep a confidential copy on file, in accordance with the periods specified under the General Data Protection Regulation (GDPR). Also see paragraph 8.14 above.

9. APPEALS AGAINST DISCIPLINARY ACTION

See Appendix 3 for further guidance.

- 9.1 Employees have the right of appeal against disciplinary action. The employee must set out the specific grounds for the appeal by completing a disciplinary appeals form. The employee and their representative can, in conjunction with the person presenting the Academy/Trust's case, seek to agree the information needed for the appeal. This will enable the appeals panel to conduct the appeal on the particular grounds upon which the appeal has been made or by way of a complete rehearing. In cases where there were multiple allegations at the Disciplinary Hearing, and some were dismissed and some found proven, the Appeals Panel will rehear only those allegations that were found proven.
- 9.2 A panel composed of 3 members of the Trust Board will hear an appeal against disciplinary action.
- 9.3 The appeal should be made in writing to the Chair of the hearing within 10 working days of receipt of the written decision
- 9.4 A different panel of the Trust Board will hear an appeal against action taken by the disciplinary panel.
- 9.5 The Chair of the Trust/Executive Headteacher/Head of School, or Chair of the original panel, as appropriate may be invited by either side to attend the appeal hearing as a witness.
- 9.6 The notes of the previous disciplinary hearing should be transcribed and made available to all the parties together with any other new evidence and/or new witnesses, within 5 working days of the appeal hearing. If new witnesses are called by either side a written statement must be provided. (A short delay may be agreed between each side to allow time for additional evidence or witness statements to be provided and considered).
- 9.7 In addition to the above the appeals panel will receive copies of all the documents submitted at the disciplinary hearing.
- 9.8 Action available to an appeals panel

The appeals panel may decide to:

- confirm the original decision, or
- uphold the appeal, or
- substitute a lesser penalty.

9.9 Notification of decisions made by appeals panel

Wherever possible the appeals panel will convey their decision verbally. These decisions will be conveyed in writing within 3 working days.

10. RECORD OF WARNINGS

10.1 A copy of the warning will be held on the personal file of the employee concerned for:

- Verbal warning - 3 months
- Written warning - 6 months
- Final written warning - 12 months

10.2 Warnings will cease to be 'live' following the specified period of satisfactory conduct and will not be referred to for future disciplinary purposes unless they are of a safe-guarding or child protection nature in line with statutory guidance.

10.3 In cases of gross misconduct where a final warning has been issued, and in the opinion of the Chair/panel, the misconduct is so serious that it cannot be disregarded for future disciplinary or managerial purposes, then the final warning shall remain live for a longer period, and the employee shall be so advised. This facility shall only apply where the welfare, safety of a pupil, member of the public or fellow member of staff might be placed at risk. In such cases the employee may appeal to the appeals panel against the warning and/or against the decision for the warning to remain live.

10.4 If an employee is dismissed or resigns before the disciplinary process is completed in circumstances where they would have been considered for dismissal, the member of staff must be informed about the employers' statutory duty to report the case to the Disclosure and Barring Service, the Department for Education, the Teaching Regulation Agency (TRA) and any other statutory or professional bodies as applicable.

11. Training (please bear in mind, this section may not apply)

Appropriate training and guidance will be provided by HR regarding the implementation of the policy for the relevant managers in relation to any new or revised procedures and guidelines within an appropriate timescale.

12. Monitoring

HR will monitor the implementation and effectiveness of the policy by liaising with the lead manager/s in each academy on a termly basis. Issues arising from regular reporting by the HR team will also help inform this process as will any ad hoc concerns raised by staff, students or the community. HR will monitor the relevant legislation, guidelines and information forthcoming from the relevant statutory bodies for any recommendation or changes. Where a gap, potential inequality or shortfall in performance is identified within the policy HR will advise the responsible Director of any changes that are needed and a proposal will be submitted to the Trust Board within an appropriate timescale. There will be a full review of the policy by HR prior to the stated review date where recommendations will be made for consideration by the Trust Board.

13. References

- Procedure for Dealing with Allegations Against Staff and other Adults
- Child Protection Policy
- ICT and Acceptable Usage Policy and Procedure
- Capability Policy and Procedure

- Grievance and Bullying and Harassment Policy and Procedure
- Managing Attendance Policy and Procedure
- Personal and Professional Code of Conduct
- Safe Working Practice Policy
- RMAAT Protocols
- Other professional standards

Appendix 1

Disciplinary Appeal Form

You should use this form to submit an appeal about a Disciplinary Hearing Outcome

Name	
Academy	
Job title	
Email address and mobile number	

Representation

If you have a trade union representative, please provide:

Their name _____ their phone number _____
 their e-mail address _____

Details of the Disciplinary Hearing

Date of Disciplinary (please attach outcome letter) _____

Reason(s) for Appeal (please provide full and specific details in the space below)

- Disagree with all or part of the panel's decision in reaching their findings (please state which part and why in the space below)
- Procedure wasn't followed properly and how this impacted on outcome
New evidence
- Other

Appendix 2

Equality Impact Assessment

Equality, Diversity, Cohesion and Integration Screening

As a Trust via the public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration. Please also take due regard of Equalities considerations.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Organisation: Rodillian Multi- Academy Trust	Department responsible for the Policy: HR
Lead Person: Denise Kriens	Contact Number: 07903 842811

Title: Disciplinary Policy and Procedure Disciplinary Guidance
Is this a:
<input checked="" type="checkbox"/> Policy
If other, please specify

2. Please provide a brief description of what you are screening
The Disciplinary Policy and Procedure and the Disciplinary Guidance were developed to comply with ACAS Code of Practice 1 <i>Disciplinary and Grievance Procedures April 2009</i> . They are intended to provide a system which can deal speedily with disciplinary matters whilst ensuring that the principles of natural justice are preserved.
The Policy and Guidance also comply with CLEA's (Council of Local Education Authorities) Staff Facing an Allegations of Abuse Guidelines on Practice and Procedure (see Appendix B) and has been agreed with the Leeds Safeguarding Children Board (LSCB).

3. Relevance to equality, diversity, cohesion and integration <i>All the Trust's policies affect service users, employees or the wider community. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.</i> <i>The following questions will help you to identify how relevant your proposals are.</i>
--

<i>When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).</i>		
Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?		X
Have there been or likely to be any public concerns about the Policy or proposal?		X
Could the proposal affect how services are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on: <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X	

4. Considering the impact on equality, diversity, cohesion and integration
<i>If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.</i>
<i>Please provide specific details for all three areas below (use the prompts for guidance).</i>
<p>We have considered equality, diversity, cohesion and integration in relation to the following:</p> <ul style="list-style-type: none"> • Scope of the proposal – all staff. • Who is likely to be affected – as above. • Equality related information — is held on individual academy and Trust records and on payroll records. • Gaps in information and plans to address – the Trust intends to work to further improve processes relating to the gathering of equality related information across the organisation. • Consultation and engagement activities with those likely to be affected – ongoing feedback from staff, HR and unions. The Policy is made available to staff and is on our website. The Rodillian Multi-Academy Trust has adopted this Policy from Leeds City Council. It was collectively agreed by the Leeds City Council HR Schools Team and trade union convenors working on behalf of members employed in our schools following consultation. • The Rodillian Multi Academy Trust is committed to ensuring that this Policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, sexual orientation, marital status, pregnancy, disability, age, trade union membership and activity. • Where the Equality Act may apply, reasonable adjustments will be considered in order to provide appropriate support for the employee.
<ul style="list-style-type: none"> • Key findings <p>We have considered the potential positive and negative impact on different equality characteristics in relation to the Policy and do not believe that any groups will be adversely affected. The HR Team is vigilant in adhering to the appropriate legislation in relation to protected characteristics and to preventing discrimination. Managers are supported and trained in relation to these areas. HR is present at all stages of the Procedure to ensure that it is fair and transparent. Employees are entitled to trade union representation at all stages of the procedure.</p>

We have considered the perception that the proposal could benefit one group at the expense of another and we do not believe that the Policy could be perceived to be discriminatory with regards to its wording or format.

- **Actions**

The Trust will continue to promote positive impact and remove/reduce negative impact through the application of this Policy where performance issues are being addressed.

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Andy Gouly	Executive Headteacher	March 2019

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

For record keeping purposes a copy will be kept on file with a copy of the Policy and one with HR.

Date screening completed	March 2019
Date agreed at Trust Board	March 2019