

DISCIPLINARY AND DISMISSAL POLICY AND PROCEDURE

Responsible office	<i>Better Futures Multi-Academy Trust</i>
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DISCIPLINARY AND DISMISSAL POLICY AND PROCEDURE

Purpose

This policy does not form part of your terms and conditions of employment and can be changed by the company at any time.

Scope

This policy applies to Better Futures Multi-Academy Trust which will be referred to as the BFMAT for the purposes of the policy.

Terminology for job titles may vary across BFMAT. If this is the case, the terminology used within this policy is deemed to apply to staff/functions in equivalent roles and positions and of equivalent standing.

Definitions

A summary of key terminology used within the Policy, if useful and applicable.

N/A

Equality Statement

Equality, freedom and treating all persons with dignity and respect are fundamental human rights. As such, BFMAT is committed to making these central in all its work.

A diverse student body and workforce benefit BFMAT's role as a provider of high quality education and employment in a modern and ever-changing society. BFMAT is firmly committed to the promotion of equality and will not unlawfully discriminate, or tolerate discrimination (direct or indirect, harassment or victimisation) on grounds of age, disability, ethnicity (including race, colour, caste and nationality), gender identity, marriage or civil partnership, pregnancy or maternity, religion or belief, sex and sexual orientation; this includes discrimination by association or due to perception. This policy will operate in furtherance of this.

The Policy

1. Introduction

We believe that an open, honest dialogue between managers and staff is vital to ensuring that standards of behaviour are clear and mutually understood. Occasionally employees fail to meet the required standards and in most cases this can be addressed informally with the line manager explaining their shortcomings to them, reinforcing expectations and working with the employee to identify ways to support improvement.

This policy outlines the process that will be applied to support individuals in maintaining acceptable standards of behaviour and explains the potential consequences of not adhering to those standards.

Issues of unsatisfactory work performance may be dealt with using this Disciplinary and Dismissal Policy and Procedure or the Capability Policy. If performance problems are judged to result from conduct over which the employee has control, then this Disciplinary and Dismissal Policy and Procedure will apply. The fundamental distinction between capability and conduct may be expressed as “can’t” as opposed to “won’t” respectively, the latter implying some degree of control, deliberation and/or choice.

2. Guiding Principles

- Issues and concerns will be explained clearly and the employee will be able to respond and agree how improvements in behaviour can be achieved.
- The Human Resources Team will not normally be involved in informal meetings but will be involved in formal stages of the disciplinary process, set out in Steps 1 to 3 below.
- Any allegation of misconduct will be investigated and the employee will be sent copies of the findings prior to any disciplinary meeting.
- An employee is entitled to be accompanied by a union representative or a fellow employee at formal stages of the process.
- Employees will be informed in writing at least 48 hours in advance of the date and time of any disciplinary meeting.
- Employees will be provided with copies of any relevant documents prior to the disciplinary meeting.
- Employees will be informed of the decision in writing along with the right of appeal.

DEFINITIONS

Minor Lapses

Minor lapses from acceptable standards of conduct or work performance will usually be dealt with by the employee’s Line Manager giving an informal oral warning or reprimand, which will not be recorded on the Human Resources Team’s file relating to the employee.

If minor lapses continue the Line Manager can elect to escalate the procedure to formal oral warning, first written warning and final written warning. However, if the formal procedure is to be applied a disciplinary hearing is necessary at each and every stage of the process. Disciplinary hearings will be chaired by a Senior Manager. If the employee is a Trade Union Accredited Official the Academy will contact the employee’s Trade Union in advance of any disciplinary action being taken.

Misconduct

A low-level breach of policy or business principles. Examples include (but are not limited to):

- Not following company procedures and policies, such as sickness absence reporting
- Poor timekeeping and time wasting
- Going AWOL (taking time off without permission)
- Being disruptive

Gross misconduct

A series of acts of misconduct or a single act of misconduct that seriously breaches Company rules or the contract of employment, or a significant breach of trust and/or confidence. Examples include (but are not limited to):

- Being convicted of a criminal offence that impacts upon your role (whether it is committed during or outside the employee's hours of work for BFMAT) adversely affects BFMAT's reputation.
- Theft, or unauthorised possession of any property or facilities belonging to BFMAT or to any employee or student
- Fraud, bribery, corruption or deliberate falsification of records
- Harassment, bullying or physical assault
- Misuse of IT Network/Electronic communication systems as detailed in the Code of Conduct
- Gross insolence
- Serious incapability as a result of being intoxicated by reason of alcohol or illegal drugs
- Gross incompetence
- Insubordination
- A serious breach of, or deliberately not following the Company Business Principles or policies and procedures
- Serious breaches of security or confidentiality, including showing someone confidential business documents without permission or giving out client data
- Deliberately damaging, misusing, removing without authority or reckless use of Company property or property belonging to another employee or worker
- Serious violation of BFMAT rules and procedures concerning health and safety at work
- Repeated unauthorised absence from work
- A breach of Safeguarding Policy; **for clarity; any sexual relationship between a member of staff and a student under the age of 18 is a criminal offence. Under such circumstances the Principal must liaise with the Police and must contact the Local Authority Designated Officer.**

Any inappropriate or sexual relationship with a student over the age of 18 is also gross misconduct and would lead to dismissal.

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

3. Stages

The procedure has a maximum of 3 stages. In cases of more serious misconduct earlier stages may be omitted.

Step 1 – Written warning: for misconduct involving a minor offence you will be issued with a written warning informing you of the offence and required improvement, and that further action may be taken if there is any further act or failure to improve during the next 12 months.

Step 2 – Final written warning: this is for misconduct involving a serious offence short of gross misconduct, or when a previous warning has been ignored; this will inform you of the offence and required improvement, and that any further action or failure to improve during the next 12 months may result in your dismissal or demotion.

Step 3 –Disciplinary action: a disciplinary meeting will be convened which may result in disciplinary action for matters of gross misconduct or when a previous final written warning has been ignored. Examples of disciplinary action are included in the table below.

Disciplinary Action	What does this mean?	Authority to take action
(i) Dismissal	Termination of employment with the company with notice or pay in lieu of notice.	Senior Manager or above
(ii) Summary Dismissal	Termination of employment with the company without contractual notice or pay in lieu of notice.	
Demotion	position to one which has less responsibility, duties and/or pay if considered appropriate	Line Manager, equivalent or above

4. Establishing the Facts

Depending upon the circumstances of the case it may be necessary to hold investigatory meetings prior to the disciplinary meeting at Step 3 above. In some cases, this will involve holding an investigatory meeting with the employee before proceeding to a disciplinary meeting, in others the investigatory stage will be the collation of evidence by the manager for use in the disciplinary hearing.

5. Suspension

Where the facts of the case are not immediately clear, or there is concern that the investigation could be compromised, it may be necessary to suspend the individual. This will be on full pay and as brief as possible.

6. Arranging the Step 3 disciplinary meeting

If it is decided that there is a case to answer, the employee will be notified of the meeting date, time and venue, in writing, providing at least 48 hours' notice of the meeting. The employee will be provided with the allegation, investigation report, witnesses to be called and potential outcomes to fully prepare a response.

The employee will be advised of the right to be accompanied by a work colleague or trade union representative and the right to bring witnesses and the process to follow should they wish to exercise this right.

7. Disciplinary Meeting

The meeting will take place without unreasonable delay whilst giving employees a reasonable time to prepare their case. Employees should make every attempt to attend the meeting and any reasons for non-attendance will be thoroughly investigated. Where an employee is persistently unable or unwilling to attend the meeting without good cause, BFMAT may go ahead with the meeting and make a decision based on the evidence available at the time.

At the meeting the manager should explain the allegation against the employee and go through the available evidence. The employee should then be provided with an opportunity to set out their case in response to the allegations made. This will include the opportunity to ask questions, present evidence and call relevant witnesses.

8. Determining Appropriate Action and Providing Feedback

The meeting will be adjourned before any decision is made to ensure proper consideration and further checking of matters raised, if appropriate. The decision may be communicated in person following an adjournment, but any decision should be confirmed in writing within 5 working days of the meeting.

If a warning is given, the written confirmation should set out the nature of the misconduct and the change in behaviour required. The employee should also be advised of how long the warning will remain current and the consequences of further misconduct within that timescale.

If the decision is made to dismiss the employee, they should be told the reason for dismissal, the date on which their employment will end, the appropriate period of notice and their right of appeal.

9. Appeal Process

If an employee wishes to appeal, they must do so in writing to the Human Resources Team, outlining the grounds for the appeal within 10 working days after the date of the letter confirming the decision, which will outline the appeal process.

The appeal will be dealt with by a senior manager with no previous involvement in the case. At an appeal meeting, the employee will be given an opportunity to state his/her case and will be entitled to be accompanied by a work colleague or appropriate membership Trade Union representative. The employee will be notified of the decision as soon as possible, usually within 15 working days depending on the complexity of the case. The appeal decision will be communicated in writing and is final.