



STAFF DISCIPLINARY PROCEDURE

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1. Introduction

- 1.1. This disciplinary procedure must be read and applied in conjunction with OWN Trust's Staffing Policy Statement.
- 1.2. The aim of this procedure is to help and encourage all employees to achieve and maintain standards of conduct and to ensure consistent and fair treatment for all employees in the Trust.
- 1.3. Examples of the type of conduct that is misconduct or gross misconduct, which could lead to action under this procedure, are set out in the disciplinary rules and should be read in conjunction with this procedure.
- 1.4. This procedure may be implemented at any stage, as set out below, considering the alleged misconduct of an employee. Employees will not normally be dismissed for a first act of misconduct unless it is decided that it amounts to gross misconduct.

2. Informal Procedure

- 2.1. Managers should seek to resolve minor misconduct informally and as soon as it occurs. Management advice may be given to the employee by the Headteacher. Action will be taken under the formal procedure set out in Part B below if the matter is not resolved or, there is repeated minor misconduct or, where informal action is not appropriate (for example, because of the seriousness of the allegation).
- 2.2. There is no appeal against management advice given, which will not be placed on the employee's disciplinary record but should be confirmed in a written memorandum.
- 2.3. The written memorandum will set out the misconduct, the improvement that is required and, if appropriate, how this will be reviewed and during what timeframe. The employee may make

a written comment on the memorandum if they have any objection to the informal action taken. A copy of the memorandum or a note of any informal discussions may be placed on the employee's personnel file.

3. Formal Procedure – Disciplinary Hearing

- 3.1. If following appropriate investigation by the Investigating Officer, the Headteacher considers based on the facts that formal disciplinary action for misconduct is necessary, they will write to the employee to inform them that a disciplinary hearing will take place.
- 3.2. A disciplinary hearing constitutes a formal meeting and should be arranged in conjunction with OWN Trust's Staffing Policy Statement.
- 3.3. The employee will be advised of their right to call witnesses on their behalf and will be required to provide name/s and make arrangements for their attendance.
- 3.4. At the disciplinary hearing before the Headteacher, the employee, and their companion will be given a reasonable opportunity to state their case, to question the Investigating Officer where possible and any witnesses and, to call any witnesses and raise points about any information provided by witnesses.
- 3.5. When confirming the outcome of the disciplinary hearing, the Headteacher will include:
 - a) The sanction (if any) and the period this will remain current
 - b) The reasons for the decision
 - c) The change in behaviour required (if relevant) and the likely consequences of further misconduct
 - d) Right of appeal

4. Formal Procedure – Disciplinary Action

- 4.1. First Written Warning
 - 4.1.1. The Headteacher may give the employee a first written warning which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to a final warning unless there are mitigating circumstances.
- 4.2. Final Written Warning
 - 4.2.1. If a further complaint is made about the employee's conduct before the first written warning has expired, the same procedure (as in 3 above) will be followed.

4.2.2. The Headteacher may give the employee a final written warning, which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to dismissal unless there are mitigating circumstances.

4.2.3. If the complaint is considered serious enough, a final written warning may be issued without previous warning.

4.3. Dismissal

4.3.1. If a further complaint is received before the final written warning has expired, the complaint will be referred to a hearing before the Chief Executive Officer following the same procedure as in paragraph 3 above.

4.3.2. If the Chief Executive Officer decides the complaint is justified, they may decide to dismiss the employee.

5. Gross Misconduct

5.1. If the complaint is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see disciplinary rules), the employee may be informed by the Headteacher that they are suspended on full pay pending further investigation of the complaint. A decision to suspend will only be taken after full consideration of the facts and associated risks and consideration of alternative options.

5.2. If, following an investigation, the Investigating Officer considers that the facts of the case amount to a prima facie case of gross misconduct, the matter will be referred to the Headteacher.

5.3. Following the same procedure as in paragraph 3 above, if on conclusion of the disciplinary hearing the Headteacher considers the complaint constitutes gross misconduct, they may decide to dismiss the employee without notice or pay in lieu of notice.

5.4. Where a suspension has taken place that suspension may only be lifted by the Headteacher.

6. Right of Appeal

6.1. The employee has a right of appeal against a decision to issue a warning or to dismiss.

6.2. Appeals against formal written warnings or dismissal should be submitted to the Governance & Compliance Manager.

- 6.3. An appeal against a written warning will be heard by the LGB. The outcome may be to confirm the written warning, reduce a final written warning to a first written warning, or cancel the written warning.
- 6.4. An appeal against dismissal will be to the Board of Trustees. The outcome may be to confirm the dismissal, revoke the dismissal and issue a lesser sanction, or revoke the dismissal and issue no sanction.

7. Variation in Disciplinary Action

- 7.1. If appropriate, the Headteacher may decide to take informal action (as in Paragraph 2 above) instead of giving a first written warning.
- 7.2. The Headteacher may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.
- 7.3. Rather than dismiss, the Headteacher may decide to issue no sanction or a lesser sanction.
- 7.4. In determining an appropriate sanction, consideration may be given to a change to role/duties which may impact on remuneration.