

The Learners Collective – Staff Disciplinary Procedures

Statement Authorised By:	
Manging Director	Mr Rory Gaskni
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1. Introduction

This document outlines our organisation’s policy and procedures for staff disciplinary. This policy aims to:

- Helps and encourage and staff to achieve and maintain satisfactory standards of conduct
- Set out the procedures for when a member of staff’s conduct falls below the expected standard
- Ensure that all staff are treated fairly and consistently when a disciplinary issue is being dealt with

2. Legislation and Guidance

We are required to set out our disciplinary procedures under general employment law.

3. Definitions

- **A disciplinary issue** will arise when a staff member has not behaved to the standard expected of them
- Appendix 1 sets out a non-exhaustive left of examples of what we define as **misconduct and gross misconduct**. For the purpose of this policy, misconduct does not cover staff capability or poor performance issue (see Performance Management Policy and Framework).

4. Disciplinary Procedures

Minor disciplinary issues will be dealt with informally at first, and will be escalated only where:

- There has been no resolution
- The issue is more serious
- There are repeated or multiple instances of misconduct
- There is a suspected gross misconduct (see Appendix 1)

When dealing with an issue informally, the staff member’s line manager will organise a brief meeting with the staff member and set out the concerns. They will remind the staff member of the expected standard of behaviour and consider what support is needed to help them improve. Notes will be taken and retained.

If the issue cannot be dealt with informally, formal procedures will begin. The staff member will be notified of this in a face-to-face meeting with a member of the Senior Leadership Team/Managing Director to be held in person or over video conferencing if necessary. This will be followed up in writing.

Suspension

In some circumstances it will be appropriate to suspend a member of staff temporarily, for example, where there is suspected gross misconduct. This in itself does not amount to guilt or constitute disciplinary action.

Where this is necessary:

- The Senior Leadership Team must authorise the suspension.
- The staff member will be informed of the suspension in a face-to-face meeting, held in person or over video conference if necessary, followed by a notification in writing within 5 working days.
- The staff member will be permitted to be accompanied to the meeting by either a colleague or trade union or other representative.
- The staff member will be suspended on full pay.

Investigation

An independent investigating officer will be appointed.

Before a disciplinary hearing takes place, the investigating officer will gather the facts of the case and evidence. The investigating officer will, if necessary, hold investigatory meetings (in person or over video conferencing).

The staff member will be informed of the outcome of the investigation in writing.

If the investigating officer determines that the matter should move forward to a formal disciplinary hearing, a disciplinary officer will be appointed. This will be a person independent from the investigating officer.

Notification

If it is decided that there is a disciplinary case to answer, the staff member will receive a written notification 5 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include:

- Details of the alleged misconduct and its possible consequences
- Copies of any written evidence, including witness statements
- The time, date, and location of the disciplinary meeting (including the details if the meeting is to be held over video conferencing, if relevant)
- A statement that the staff member has the right to be accompanied by a colleague or a trade union or other representative
- Notification that the employer intends to call witnesses (if relevant)

If the staff member intends to call a witness, they should notify the employer.

Disciplinary Hearing

Before the hearing, the staff member will receive a copy of all evidence that will be relied upon during the procedure.

At the hearing, the person conducting the hearing will explain the case against the staff member and go through the evidence that has been gathered. The person may choose to have the investigating officer present the management's case.

The staff member will be allowed to set out their case and answer any allegations that have been made. The staff member will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.

Staff members have a statutory right to be accompanied at a meeting that may result in a formal warning being issued, disciplinary action being taken, or the confirmation of either of these.

The staff member has the right to be accompanied by a colleague or a trade union representative. Staff members must make the request in advance of the meeting, to allow the organisation to prepare and to ensure the employer knows who the companion will be.

If a staff member's chosen companion will not be available to meet at the proposed time, the hearing will be postponed to a time proposed by the staff member, as long as the alternative time is reasonable and not more than 5 working days after the original date.

The companion can address the hearing to put and sum up the staff member's case, respond on behalf of the staff member to any views expressed at the hearing and confer with the staff member during the hearing. The companion does not, however, have the right to answer questions on the staff member's behalf, address the hearing if the staff member does not wish it or prevent the employer from explaining their case.

Taking Appropriate Action

The hearing will be adjourned and a decision about whether further disciplinary action is necessary will be taken. The staff member will be informed of the decision in writing within 5 working days.

Actions taken may be:

- **A verbal or informal warning** where it is decided that the action was not serious enough to warrant a formal written warning. This may be accompanied by a notification that arrangements will be put in place to improve the staff members' behaviour, such as a training course or occupational health support.

- **A first written warning** for a first instance of misconduct. A further instance may result in a final written warning. A first written warning will remain on the staff member's personnel file for 6 months. The written warning will explain that a further instance of misconduct or no change in behaviour within a given timeframe will result in a final warning.
- **A final written warning** where the staff member has already received a first warning, or where the staff member's misconduct was sufficiently serious. A further instance may result in demotion or dismissal.
- **Dismissal** where there has been gross misconduct or a final written warning has already been given.

Where relevant, we will refer a case of teacher gross misconduct to the National College for Teaching and Leadership (National College) if we believe the case is so severe that the National College should consider whether the teacher should be prevented from teaching. We will also refer cases to other relevant authorities where appropriate.

Dismissal

Once the decision to dismiss has been taken, the Senior Leadership Team/Managing Director will dismiss the staff member with notice.

Appeals Process

The staff member has the right to appeal any sanction. Appeals must be made in writing within 5 working days of the decision, setting out at the same time the grounds for appeal.

A disciplinary appeals officer/panel will be appointed.

Appeals will be heard without unreasonable delay and at an agreed time and place (in person, or over video conferencing if relevant). staff members' statutory right to be accompanied by a companion will apply as with formal disciplinary hearings. Notes will be taken and a copy sent to the staff member.

The appeal will be dealt with impartially and by senior leaders or an independent figure who have not previously been involved in the case.

The staff member will be informed in writing of the results of the appeal hearing within 5 working days.

Special Cases

If the staff member involved in a disciplinary procedure is also the trade union representative, we will notify the union and discuss the matter with an official employed by the union before action is taken, after obtaining the staff member's agreement. The procedure will continue as normal.

If the staff member who is subject to disciplinary procedures raises a grievance about the disciplinary allegations or the procedure itself, the grievance procedure will run concurrently.

If the staff member who is subject to disciplinary procedures raises a grievance about something unrelated to the disciplinary, consideration will be given to pausing the disciplinary while the grievance is addressed.

5. Record Keeping

Minutes will be kept for all interviews and meetings. Where possible, these will be confirmed as an accurate reflection of what was discussed during the meeting.

Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Records Management, Retention and Disposal Policy.

If disciplinary action is taken, a record of this will be added to the staff member's personnel file.

We will disclose any proven disciplinary offences by a staff member if a reference is requested by a future employer.

6. Monitoring Arrangements

This policy will be reviewed annually, but can be revised as needed.

This policy will be approved by the Senior Leadership Team.

7. Link with other policies

This policy links with our other policies:

- [Staff Code of Conduct](#)
- [Equality, Diversity and Inclusion](#)
- [Child Protection and Safeguarding](#)
- [Online Safety](#)
- [Privacy Notices](#)

Appendix 1: Instances and behaviours classed as misconduct

The following lists are not exhaustive.

Instances of misconduct include:

- Unauthorised absence or persistent lateness from work
- Using bad language in front of students
- Failure to follow the policies, practices and requirements of the organisation
- Unsatisfactory standards of work (not related to capability)
- Inappropriate use of organisation facilities or software or technology
- Failure to comply with reasonable instructions from senior staff

Instances of gross misconduct include:

- Physical violence or assault
- Discrimination, harassment, victimisation and/or bullying or any other action that would be classed as a serious safeguarding issue
- Serious breaches of confidentiality
- Deliberately acting in a way that will cause damage to the organisation's reputation
- Deliberately damaging organisation's property

[Teacher misconduct guidance](#) from the National College explains that, among other things, the following offences will be serious enough to warrant prohibition of teaching:

- Serious departure from the personal and professional conduct elements of Teachers' Standards
- Misconduct seriously affecting the education and/or wellbeing of pupils, and particularly where there is a continuing risk
- Abuse of position or trust (particularly involving vulnerable pupils) or violation of the rights of pupils
- Sustained or serious bullying, or other deliberate behaviour that undermines pupils, the profession, and/or the organisation.