

DISCIPLINARY PROCEDURE

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 29th June 2018.

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Chair of OHCAT Board



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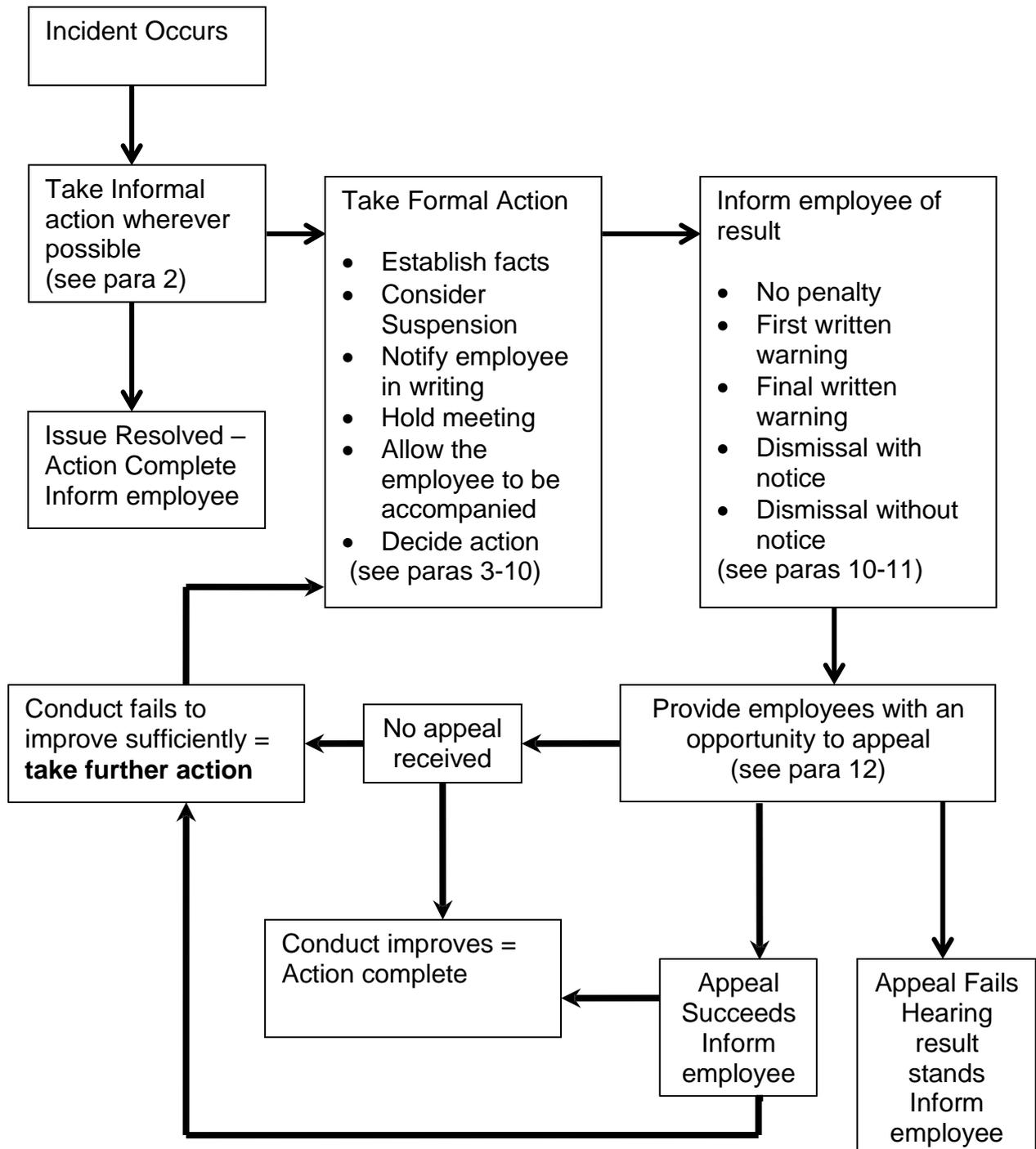
DISCIPLINARY PROCEDURE

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Handling Discipline

- Always follow the Model Disciplinary Procedure based on the ACAS Code of Practice
- Seek advice from your HR Adviser and contact the Local Authority Designated Officer (LADO) for allegations against staff relating to child protection/safeguarding



DISCIPLINARY PROCEDURE

1. INTRODUCTION

- 1.1 This procedure applies to all employees at Orchard Hill College and Orchard Hill College Academy Trust (OHC&AT) and is based on the ACAS Code of Practice.
- 1.2 All references to Orchard Hill College and Academy Trust (OHC&AT) include both Orchard Hill College (OHC) and Orchard Hill College Academy Trust (OHCAT) as employers unless otherwise specified.
- 1.3 This procedure is designed to help and encourage all employees to achieve and maintain the desired standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all OHC&AT staff.
- 1.4 Managers should always seek to resolve disciplinary issues in the Academy/College. If they are settled at an early stage they are normally less time consuming and less likely to damage working relationships.
- 1.5 Throughout this document the term 'Manager' is used to denote anyone within OHC&AT who has the authority to invoke the Disciplinary Procedure. This includes the CEO, members of the Executive Senior Leadership Team (ESLT), Principals of Academies, members of the College Senior Leadership Team (SLT) and Heads of Service for operational teams.

2. INFORMAL RESOLUTION

- 2.1 Good employment relations, practices and procedures in recruitment, induction, training, communication and consultation can prevent many disciplinary problems arising.
- 2.2 No disciplinary action will be taken against an employee until there has been a full investigation.
- 2.3 The procedure may be implemented at any stage if the employee's alleged misconduct warrants it – depending on the gravity of the employee's actions, and subject to the outcome of investigation, going straight to a formal stage e.g. final written warning may be more appropriate than starting at a verbal warning for misconduct.
- 2.4 An employee should not be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice.
- 2.5 The Manager must ensure that they do not discriminate unfairly in any area of practice which could lead to dismissal or any other detriment, for example warnings. They should make sure that they comply with the Equality Act 2010.
- 2.6 Cases of minor misconduct or breaches of rules are normally best dealt with informally.

A one to one session with the employee may be all that is required to effect the necessary improvement. In some cases additional training or advice may be needed. However, there will be cases where the matter is more serious or the informal approach has not worked.

- 2.7 When the informal approach is being used the Manager should:
- Talk to the employee in private.
 - Discuss the shortcomings in conduct and encourage improvement. Any criticism should be constructive with the emphasis on finding ways to improve conduct and for that improvement to be sustained.
 - Listen to what the employee has to say and if it becomes evident that there is no problem, make this clear.
 - Issue a letter of expectation setting out the expected improvement and timescales where relevant.
- 2.8 Where improvement is required, make sure that the employee understands what is needed, how their conduct will be reviewed and the timescale for this. The Manager should confirm this in writing.
- 2.9 Care should be taken that any informal action does not turn into formal disciplinary action because this may unintentionally deny the employee certain rights, for example the right to be accompanied. If during the informal discussion it becomes apparent that the matter is more serious the meeting should be adjourned and the employee told that the issue will be continued under the formal procedure.
- 2.10 Brief notes should be kept, for the agreed retention period, of any informal action that has taken place including action agreed and review timescales. These will be kept on the employee's file.
- 2.11 Progress should be reviewed over specified periods.
- 2.12 Where informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered too serious to be classed as minor, the Manager should clearly communicate this by taking formal action.

MOVING TO THE FORMAL STAGE OF THE PROCEDURE

3. Establish the Facts

- 3.1 It is important to carry out a thorough investigation of potential disciplinary matters to establish the facts of the case without delay. The OHC&AT Staff Code of Conduct may be referred to.
- 3.2 If, during the course of a disciplinary investigation, safeguarding/child protection matters come to light the investigation will be put into abeyance and guidance sought from the Local Authority Designated Officer (LADO). All safeguarding issues must be reported to the Principal and the OHC&AT Director of Safeguarding & Learning Support Services, unless the concern is about the Principal or the OHC&AT Director

of Safeguarding & Learning Support Services in which case the issue must be reported to the OHC&AT Executive Senior Leadership Team.

- 3.3 Employees should be dealt with in a fair and reasonable manner. It is important to keep an open mind and look for evidence which supports the employee's case as well as evidence against.
- 3.4 An Investigating Officer should be appointed who will confine themselves to establishing the facts of the case. This would normally be a senior member of staff at the College/Academy or in some cases may be an external investigator. Different people must carry out the investigation and disciplinary hearing.
- 3.5 The Manager may inform the Chair of Governors, via the OHC&AT Governance Manager, that an investigation is to take place.
- 3.6 The Investigating Officer will arrange to interview the employee and any witnesses but it is important that at this stage disciplinary action is not considered. This will be done at a later stage when all of the facts have been established. It is good practice to allow the person being interviewed to be accompanied by a work colleague or trade union representative. The employee will be advised of the broad allegations against them which may be given in more detail in the investigation report.
- 3.7 When the investigation is complete the Investigating Officer will write a report and decide whether or not there is a case to answer based on the balance of probabilities.
- 3.8 The Investigating Officer may ask someone to be present to take notes at investigation meetings and thought should be given to the appropriateness of the person carrying out this role. Confidentiality must be maintained.
- 3.9 OHC&AT HR can attend in an advisory capacity.

4. Suspension

- 4.1 Prior to any decision regarding the suspension of a member of staff, the Manager must have completed a risk assessment (see Appendix 3) with the OHC&AT Strategic Head of Organisational Development & HR in the first instance. This is so that a detailed review of the matter can be carried out prior to the member of staff being suspended.
- 4.2 It may be decided that a period of suspension, with pay, is considered necessary whilst the investigation is taking place, for example in gross misconduct cases and/or where there is a possible risk of harm to children, young people or vulnerable adults posed by the employee or where relationships have broken down (see 5.2 below).
- 4.3 The Governing Body, or their Chair on their behalf, or the Vice-Chair in his or her absence, shall have the power to suspend the Principal or his or her deputy for misconduct or other good and urgent cause. Where the Chair or Vice-Chair has exercised that power, he or she shall immediately report that action to the other Governors. This suspension may be revoked only by the Governors. The Principal, or his or her deputy in his or her absence, shall have power to suspend any member of staff other than the Principal's deputy for misconduct or other good and urgent cause.

He or she shall immediately report that action to the Chair of the Governing Body at their next meeting. This suspension may be revoked only by the Principal.

- 4.4 Suspension with pay should only be imposed after careful consideration. It should be as brief as possible and regularly reviewed, using the risk assessment to record decisions. It should be made clear to the employee that suspension is not an assumption of guilt and is not considered a disciplinary sanction.

5. What is Gross Misconduct?

- 5.1 Gross misconduct is generally seen as misconduct serious enough to overturn the contract between the employee and the employer, thus justifying summary dismissal (dismissal without notice). Acts which constitute gross misconduct are very serious. The following list gives examples but is not exhaustive:

- safeguarding issues
- criminal investigations
- maltreatment of pupils/students
- serious breaches of any OHC&AT policies, rules or standards
- theft or unauthorised removal of OHC&AT property
- fraud, including the falsification of timesheets and expense claims
- physical violence
- offences of dishonesty
- serious sexual offences or misconduct
- bullying
- deliberate and serious or malicious damage to OHC&AT property
- serious misuse of OHC&AT property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material or distributing such material
- breach of OHC&AT's IT Acceptable Use Policy, including inappropriate use of social media and/or using personal devices to take photographs or recordings of pupils/students
- serious insubordination, and failure to follow a legitimate and reasonable management instruction
- unlawful discrimination or harassment
- bringing OHC&AT into disrepute, including inappropriate use of social networking sites
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence,
- a serious breach of health and safety rules
- a serious breach of confidence
- corruptly soliciting or receiving any benefit or advantage from any individual or body with whom OHC&AT has dealings
- misuse of OHC&AT property, including taking or using without permission, taking OHC&AT vehicles for private use, using OHC&AT computers to access any social networking sites such as Facebook inappropriately or without permission, making telephone calls outside the United Kingdom or using any premium rate numbers e.g. chat lines

5.2 Where an employee is accused of an act of gross misconduct they may be suspended from work on full pay whilst the alleged offence is investigated. At the end of the investigation and completion of the full disciplinary process, where the Manager is satisfied that the act of gross misconduct did occur the result would normally be summary dismissal without notice or payment in lieu of notice.

6. Notify the Employee in Writing

6.1 Having carried out a thorough investigation, the Investigating Officer will make a recommendation as to whether there is a case to answer.

6.2 Once the Investigating Officer has made the recommendation, this will be reviewed by the Manager for a final decision. The employee should be informed whether there is a case to answer or not. Where there is a case to answer the employee should be notified, in writing, and invited to a disciplinary hearing, which should be held without unreasonable delay, whilst allowing the employee a reasonable amount of time to prepare their case.

6.3 The letter should give reasonable notice of the meeting and include:

- sufficient information about the alleged misconduct and its possible consequences to enable the employee to prepare to answer the case at a disciplinary hearing;
- the time, date and venue for the hearing;
- copies of any written evidence, which should include witness statements if there are any – these should be provided in writing 3 working days before the hearing;
- advice of their right to be accompanied by a work colleague or trade union representative (the employee is responsible for arranging such attendance);
- notification of any witnesses to be called by the Manager – this should be provided in writing 3 working days before the hearing;
- a request that the name/s of any witnesses to be called by the employee is notified at least 3 working days in advance of the meeting;
- a request that any documentary evidence the employee wishes to present be sent to arrive no later than at least 3 working days before the date of the meeting so that it can be copied to all parties;
- a request that the employee confirms that they will be attending and provides the name of their companion;
- a copy of the disciplinary procedure.

Where the trade union representative or work colleague is not able to attend the meeting on the date given, the employee is required to offer an alternative date but it should be within 5 working days of the original meeting date if at all possible. Extensions of time should be agreed with the parties.

7. Right to be Accompanied

7.1 Employees have the right to be accompanied at a disciplinary meeting by a work colleague or trade union representative or official. A trade union representative who is

not an employed official must have been certified by their union as being competent to accompany a worker. The employee is responsible for arranging such attendance.

- 7.2 If the employee is a trade union representative the case should be discussed with a full time union official after obtaining the employee's agreement.
- 7.3 To exercise their right to be accompanied, the employee must first make a reasonable request. It would not normally be reasonable for an employee to be accompanied by a companion whose presence would prejudice the hearing or who might have a conflict of interest. The request does not have to be in writing.
- 7.4 The trade union representative or work colleague may address the hearing to put, and sum up, the employee's case, respond on behalf of the employee to any views expressed at the meeting, ask witnesses questions and confer with the employee during the hearing. However, the companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining the case.
- 7.5 Where a work colleague has agreed to accompany the employee they are entitled to take a reasonable amount of paid time off to fulfil that responsibility. A reasonable amount of time would be to allow them to familiarise themselves with the case, confer with the employee before and after the hearing and attend the hearing. If the trade union representative or work colleague is unable to attend on the date set the employee can suggest an alternative date so long as this is reasonable and not more than 5 working days after the original date.
- 7.6 The employee should notify the Manager as to who their companion will be.

8. DISCIPLINARY HEARING

Preparation

- 8.1 When preparing for the hearing the Manager should:
 - arrange for the hearing to be in private where there will not be interruptions, with separate waiting areas for both parties and for witnesses.
 - inform the employee of their right to be accompanied.
 - allow the employee time to prepare their case.
 - ensure that copies of any relevant papers and witness statements are made available to the employee in advance of the hearing.
 - allow the employee to call witnesses and/or submit witness statements subject to prior notification.
 - treat evidence from a witness who wishes to remain anonymous with caution and, after taking written statements, seek corroborative evidence and check that the person's motives are genuine.
 - consider what explanation may be given by the employee and if possible check it out before the meeting.
 - ensure that all the relevant facts are available, such as disciplinary records, any

other relevant documents and, where appropriate, written witness statements.

- check whether there are any mitigating circumstances which may have affected the employee's conduct, for example any personal or other outside issues.
- consider whether adjustments are necessary for a person who is disabled and/or their companion is disabled. Reasonable adjustment may be needed for an employee with a disability (and possibly for their companion if they are disabled), for example the provision of a support worker or advocate with knowledge of the disability and its effects. It may be that this person is in addition to the companion although ideally the same person should carry out both roles.*
- think about the structure of the hearing and make a note of the points to be covered.
- prepare an agenda for the meeting.

* the employee should make known any special requirements as soon as possible so that appropriate arrangements can be made.

8.2 There could be occasions where an employee is unable or unwilling to attend a hearing. This could be for reasons such as genuine illness, being held in custody or because they refuse to face up to the situation. Where there are genuine reasons for non-attendance the hearing could be rearranged on a maximum of two occasions. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, the Manager should make a decision on the evidence available. Where this happens the Manager should consider:

- the seriousness of the disciplinary issue under consideration.
- the employee's disciplinary record, including current warnings, general work record, work experience, position or length of service.
- medical opinion as to whether the employee is fit to attend the meeting.
- how similar cases in the past have been dealt with.

8.3 Where the employee continues to fail to attend the hearing they should be informed that the case will be heard on the evidence available.

Holding the Hearing

8.4 A properly conducted disciplinary hearing should be a two way process.

8.5 At the disciplinary hearing the Manager should:

- introduce those present, explaining their role;
- explain that the purpose of the hearing is to establish the facts and consider whether any disciplinary action should be taken in accordance with the procedure;
- explain how the hearing will be conducted;
- listen carefully and wait for answers as this can encourage the employee to be more forthcoming.

Statement of the Complaint

- 8.6 The Investigating Officer should explain exactly what the complaint against the employee is and outline the case by going through the evidence that has been gathered.

Employee's Reply

- 8.7 The Manager should allow the employee to put their case and answer any allegations that have been made, give them a reasonable opportunity to ask questions, present evidence, call and ask questions of any relevant witnesses who will leave the meeting as soon as the questioning has finished.

General Questioning and Discussion

- 8.8 The Manager should use this stage to establish the facts and:
- ask the employee if they have any explanation for the alleged misconduct or if there are any special circumstances to be taken into account.
 - keep the approach formal and encourage the employee to speak freely with a view to establishing the facts.
 - use questions to clarify the issues and to check that what has been said is understood.
 - do not get into arguments or make personal or humiliating remarks.
 - avoid physical contact or gestures which could be misconstrued as judgmental.
 - if it becomes apparent during the hearing that the employee has provided an adequate explanation or there is no real evidence to support the allegation, the proceedings should be brought to a close.
- 8.9 If new facts emerge during the meeting it may be necessary to adjourn the hearing to investigate them and reconvene when this has been done.

Summing Up

- 8.10 Once questioning has finished the Manager should summarise the main points. The purpose of this is to ensure that all parties are reminded of the nature of the offence, the arguments and evidence put forward and to make sure that nothing has been missed.
- 8.11 The employee should be asked whether they have anything further to say. This will help to demonstrate that the employee has been treated reasonably.

Adjournment

- 8.12 The hearing should be adjourned to allow for reflection and proper consideration before a decision is taken about whether a disciplinary action is appropriate. It also allows time for further checking of points raised, particularly if there is a dispute over facts.

9. Problems that Could Arise During the Disciplinary Hearing

- 9.1 Where an employee raises a grievance during a disciplinary hearing, this will normally be investigated separately and the hearing will continue. There may be exceptions if:
- the employee raises a grievance by alleging that the Manager has a conflict of interests, or
 - bias is alleged in the conduct of the disciplinary hearing, or
 - there is possible discrimination.
- 9.2 The Manager should be aware that disciplinary hearings may not proceed smoothly and people may become upset or angry. They should be prepared for this and allow time for a distressed or angry employee to compose themselves before continuing. It may be advisable to take a short adjournment. It could be that people will let off steam during the meeting but abusive language or conduct should not be tolerated.

10. Deciding on Appropriate Action

- 10.1 When deciding whether a disciplinary penalty is appropriate and, if so, what form it should take, the Manager should consider the following:
- any rules OHC&AT may have which indicate the penalty for a particular misconduct;
 - what penalty has been imposed for previous similar cases;
 - whether the standards of other employees are acceptable and that this employee is not being unfairly singled out;
 - the employee's disciplinary record, including current warnings, general work record, work experience, position and length of service;
 - any special circumstances which might make it appropriate to adjust the severity of the penalty;
 - whether the proposed penalty is reasonable in view of all of the circumstances;
 - whether any training, additional support or work adjustments are necessary.
- 10.2 When coming to a decision consideration should be given to what has happened and how serious each allegation is. The decision should be based on the balance of probabilities.
- 10.3 Where it is found that there is no case to answer, a letter should be sent to the employee and a copy kept on file to show that an investigation has been held and the conclusion was that there was no case to answer. This will stay on file for six months.
- 10.4 The decision letter should be sent to the employee within a reasonable time of the hearing and they should be asked to acknowledge receipt of the letter (see below).

11. IMPOSING THE DISCIPLINARY PENALTY

First Written Warning

- 11.1 Where misconduct is confirmed a first written warning should be issued. The letter

should:

- set out the nature of the unsatisfactory conduct;
- give details of the change in behaviour expected;
- give the timescale in which the improvement is required;
- explain that a final written warning may be given where there is no improvement or there is further misconduct;
- explain that the warning will be kept on their personal file for 12 months;
- give the right to appeal against the disciplinary sanction, including the timescales (see paragraph 12);
- request acknowledgement of receipt of the letter.

Final Written Warning

- 11.2 Where an employee has a current warning in place then further misconduct may warrant a final written warning. However any further misconduct must be fully investigated and stages 3 to 10 of the procedure followed again.
- 11.3 Where a first act of misconduct is sufficiently serious a final written warning could be issued without there having been a first written warning.

The letter should:

- set out the nature of the misconduct.
- give details of the change in behaviour expected.
- give the timescale in which the improvement is required.
- explain that dismissal may result where there is no improvement or there is further misconduct.
- explain the warning will be kept on their personal file for 24 months.
- give the right to appeal against the disciplinary sanction, including the timescales (see paragraph 12).

DISMISSAL

- 11.4 Where it is decided that the employee will be dismissed the Manager will notify the appropriate Chair of Governors. The letter of dismissal will be sent by OHC&AT HR.

Dismissal with Notice

- 11.5 Employees should only be dismissed if, despite warnings, their conduct has not improved within the specified timescale or there has been another incident of misconduct.
- 11.6 The letter to dismiss must contain:
- the reasons for dismissal.
 - the date on which employment will end.
 - the appropriate period of notice.
 - the right of appeal against dismissal, including the timescales (see paragraph 12).

Dismissal without Notice

- 11.7 Where the employee has been dismissed for gross misconduct they will be subject to summary dismissal. Examples of such offences are shown in paragraph 5 above, however it is recognised that this list is not exhaustive.
- 11.8 The letter to dismiss must contain:
- the reasons for dismissal.
 - the date on which employment will end.
 - the right of appeal against dismissal, including the timescales (see paragraph 12).

12. APPEALS

- 12.1 An employee has the right of appeal against any formal warning issued during the formal stages of this procedure and against any decision taken at the disciplinary meeting. In either case, notice of the appeal, outlining as clearly as possible the grounds on which the appeal is being made, should be sent to the Clerk to the Governors within 5 working days of the decision giving rise to the appeal.
- 12.2 The Clerk to the Governors will arrange a meeting of the appeals panel as described in Appendix 1 for OHC and Appendix 2 for OHC&AT, without unreasonable delay. No person who had prior involvement in the case which is the subject of the appeal may be included on the appeals panel.
- 12.3 The Clerk to the Governors will:
- arrange for the disciplinary appeals panel to meet to hear the appeal without unreasonable delay.
 - arrange a venue for the meeting together with separate waiting areas for each party and witnesses.
 - consider whether adjustments are necessary for a person who is disabled and/or their companion is disabled. Reasonable adjustment may be needed for an employee with a disability (and possibly for their companion if they are disabled), for example the provision of a support worker or advocate with knowledge of the disability and its effects.*
 - write to the employee to invite them to the meeting giving the time, date and venue, informing them of their right to be accompanied and that there is no further right of appeal.
 - prepare an agenda for the meeting.
 - send copies of all relevant paperwork to all parties
 - be responsible for ensuring that members of the disciplinary appeals panel have copies of all appropriate paperwork and a copy of the disciplinary procedure prior to the hearing.
 - attend the hearing to take minutes and invite both parties in to the hearing together.
 - send the written decision letter to the employee without unreasonable delay.

*the employee should make known any special requirements as soon as possible so that appropriate arrangements can be made.

12.4 The invitation letter should give reasonable notice of the meeting. Both parties should provide any further relevant paperwork and notify the names of any witnesses to be called to the Clerk to the Governors at least 3 working days before the date of the meeting so that these can be copied to all parties.

12.5 The Manager and the employee will attend the meeting to present their appeal. Separate waiting areas will be arranged for each party.

12.6 The Chair of the panel will:

- introduce those present as necessary;
- explain the purpose of the meeting, how it will be conducted and the powers of the panel;
- ask the employee to explain why they are appealing;
- allow the employee to present their case;
- allow the Manager to present their case;
- give all parties the opportunity to ask questions;
- listen to any new evidence that has been introduced and give both parties the opportunity to comment on it;
- explore all the relevant issues;
- summarise the facts;
- adjourn the meeting to consider the decision.

12.7 The panel will consider whether to uphold each of the grounds for appeal and why. The panel can decide to uphold the appeal, dismiss the appeal or lessen the penalty that was awarded at the first hearing. The panel may not increase the penalty.

12.8 At the end of the meeting both parties will leave together and be told that the decision will be given in writing as soon as possible. The panel may wish to call either party back to clarify a point. Where this is the case both parties will be required to return and then leave together.

12.9 There is no further right of appeal.

12.10 If the result of the appeal is to reinstate the employee who had been dismissed, they will receive payment of salary for the period from the date of dismissal to the date of reinstatement.

13. REFERRAL TO DISCLOSURE AND BARRING SERVICE

13.1 It is a statutory requirement for employers to refer all cases of misconduct that have a safeguarding/child protection element, even where the employee resigns during an investigation, to the Disclosure and Barring Service or the National College for Teaching and Leadership in respect of school teachers.

14. SETTLEMENT AGREEMENTS

Settlement Agreements are only one way of handling potentially difficult employment situations. Problems in the workplace are best resolved in open conversations, including, where appropriate, through the use of performance management, or informal and formal disciplinary or grievance procedures.

- 14.1 A Settlement Agreement is a legally binding agreement following the termination of employment. It sometimes provides for a severance payment by the employer, in return for which the employee waives their right to make a claim to a court or employment tribunal on the matters that are specifically covered in the agreement.
- 14.2 Settlement agreements are recognised by statute and are the only way a claim can be legally binding without tribunal proceedings having been initiated.
- 14.3 The Settlement Agreement must be explained to the employee by an independent solicitor who has not contributed to the case at an earlier stage before the agreement becomes binding. The solicitor giving the advice must also sign the agreement and certify that the appropriate advice has been given.
- 14.4 Where there are child protection or safeguarding concerns related to disciplinary matters, OHC&AT will follow the guidance in regard to Keeping Children Safe in Education (KCSIE 16) part 4.

15. PROCEDURE TO BE FOLLOWED WHERE THE CEO/PRINCIPAL IS THE SUBJECT OF THE MISCONDUCT

- 15.1 An Investigating Officer will be appointed by the Governing Body to carry out a full investigation of the facts and will make a recommendation as to whether there is a case to answer.
- 15.2 The same procedure will be followed as with any other member of staff except that the Chair of Governors will replace the Manager in the procedure. The initial dismissal decision can be delegated to one or more governors.

POLICY REVIEW DETAILS

| | |
|------------------------------------|----------------------------|
| <i>Version:</i> | 1.1 |
| <i>Reviewer:</i> | Janet Sherborne |
| <i>Approval body:</i> | Family Board |
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RELATED POLICIES AND PROCEDURES

Appraisal Procedure
Capability Procedure
Child Protection Adult Protection & Safeguarding Policy
Grievance Resolution Procedure
Recruitment and Selection Policy
Staff Code of Conduct
Whistleblowing Policy

APPENDIX 1: Authority levels for disciplinary procedures (Orchard Hill College)

Staff capability and disciplinary meetings: by Principal or appropriate Manager as delegated by Principal

Staff dismissal: by Principal

Staff appeals: by Executive Head, Quality & Learning Support/Deputy CEO or Executive Director, Finance & Business Support and a member of the Committee or Director or external

Principal of College capability and disciplinary meetings: by Chair of OHC LGB

Principal of College dismissal: by Chair of OHC Directors

Principal of College appeals: by OHC Chair of Directors/Director delegated by Chair and a Committee Governor/Director or external

APPENDIX 2: Authority levels for disciplinary procedures (Orchard Hill College Academy Trust)

Staff capability and disciplinary meetings: by Principal or appropriate manager as delegated by Principal

Staff dismissal: by Principal

Staff appeals: by Executive Head, Quality & Development/Deputy CEO or appropriate manager as delegated by Executive Head, Quality & Development/Deputy CEO and a member of the LGB or Directors or external

Principal's capability and dismissal meetings: by Executive Head, Quality & Development/Deputy CEO or appropriate manager as delegated by Executive Head, Quality & Development/Deputy CEO

Principal's dismissal: by Executive Head, Quality & Development/Deputy CEO

Principal's appeals: by CEO and OHCAT Chair of Directors/Director as delegated by the Chair and a Director/LGB Governor or external

APPENDIX 3: Suspension Risk Assessment form

CONFIDENTIAL

GROSS MISCONDUCT (SUSPENSION) RISK ASSESSMENT

Definition of gross misconduct

For an employee to commit gross misconduct, they must commit an act which fundamentally breaches the trust and confidence that the employer had in that person. The very nature of gross misconduct means that it is extremely unlikely that the offence could have been committed previously, to the employer’s knowledge. Similarly the employee should be aware that the act constitutes gross misconduct either because it is a universal wrongdoing throughout any employment, or it is a specified breach in the Trust’s Disciplinary Procedure.

To suspend or not pending investigation?

OHC&AT’s Disciplinary Procedure refers to the steps to be taken when moving to the formal stage. Specifically, Section 4 states that it may be decided that a period of suspension is considered necessary whilst the investigation is taking place, for example in gross misconduct cases and/or where there is a possible risk of harm to children, young people or vulnerable adults posed by the employee or where relationships have broken down. Suspension should only be imposed after careful consideration. It should be as brief as possible and regularly reviewed.

It is advised that the following Risk Assessment should be undertaken by the Senior Manager and HR to assist in making this decision. Additionally, if the original decision was not to suspend, it is advised that it may also be appropriate to undertake this risk assessment during or at the end of the investigation, prior to the hearing, if for example further allegations have come to light.

| |
|---|
| Please give a brief summary of the allegation(s) including how it/they came to light and relevant dates : |
| |
| Is it believed the allegation constitutes an act of Gross Misconduct, and what grounds exist which have been considered to reach this conclusion? |
| |
| Feedback from a different person in each instance who witnessed the behaviour. Is this typical of other behaviours exhibited by this employee? |
| |
| Do you think suspension is appropriate after considering the reasons outlined in 4.1. and 5.1 of the Trust’s Disciplinary Procedure? Yes – please show relevant criteria relating to this allegation (s) e.g. ‘offence of dishonesty’. |

No – please indicate why.

RISK ASSESSMENT

| RISK | DETAILS | RATING – HIGH, MEDIUM, LOW |
|--|---------|----------------------------|
| Possible risk of harm to children, young people or vulnerable adults | | |
| Contact between the individual and other employees may constrain them from co-operating fully with enquiries | | |
| A genuine belief is held that the investigation could be prejudiced by the continuing presence at work of the employee | | |
| Further offences may be committed | | |
| Evidence may be destroyed or tampered with | | |
| The Trust may be bought into disrepute should the employee continue in the workplace pending investigation | | |

If you feel suspension is appropriate please state key reasons:

(This decision should be taken by the designated manager, after taking advice from HR.)

If the designated manager and HR Adviser conclude not to suspend, they are reminded that they should consult the Head of HR & OD

Please also give details of any steps considered necessary to protect the Trust and employee if suspension is not considered appropriate. Examples are given below:

Temporary redeployed to an alternative/less senior role
 Change to work location
 Extra supervision from line manager
 Other (please specify)

Signed: _____ Dated _____
 (designated manager)

Signed Dated
 (HR)

Signed Dated
 (Head of HR)

On completion this form will be retained in a confidential manner by the HR Advisor.