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Staff Disciplinary and Grievance Procedures

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RPT STAFF DISCIPLINARY & GRIEVANCE PROCEDURES

RPT Staff Disciplinary Procedures

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RPT STAFF DISCIPLINARY PROCEDURES

Introduction

This Policy and Procedure applies to employees of our RPT. It should be read in conjunction with Brent's Disciplinary Policy and procedures.

It reflects RPT's current practices. Employees are expected to familiarise themselves with its content. RPT reserves the right to vary or amend its Disciplinary Policy and Procedure as it considers the particular circumstances of the case. RPT reserves the right not to follow the Disciplinary Procedure in respect of employees with less than 2 years continuous service. In any organisation it is necessary to have a minimum number of rules in the interests of both the employer and the employee. Hence, this policy gives an outline of the broad processes that will be followed.

Rules set standards of performance and behaviour; whilst the procedures are designed to help promote fairness and consistency in the treatment of individuals. It is the aim of the rules and procedures to emphasise and encourage improvement in the conduct of individuals where they are failing to meet the required standard. However, it is recognised that where RPT deems improvement is not possible, dismissal may result.

Reasonable efforts will be made to ensure that any action taken under this procedure will be fair and all employees will be given the opportunity to state their case and appeal against a decision they consider to be unjust.

The Disciplinary Process

The following principles will be adhered to when following the disciplinary process:

- Employees will be made fully aware of the standards of performance, action and behaviour required. Key documents supporting this staff understanding and awareness are our Staff Handbook, Teachers Standards and Staff Code of Conduct.
- Disciplinary action, where necessary, will be taken without unreasonable delay and in a fair, uniform and consistent manner.
- An employee will be subject to disciplinary action once there has been a reasonable investigation of the facts.
- The employee will have an opportunity to present his or her side of the case at a formal disciplinary hearing convened under this policy and procedure.
- All employees will have the right to be accompanied by an appropriate work colleague or a professional association representative at any formal disciplinary or appeal hearing. Please note that an investigatory interview prior to a disciplinary hearing is not a formal stage in the disciplinary process.
- Your work colleague or professional association representative cannot:
 - a) answer questions on your behalf
 - b) address the relevant interview or meeting if you do not wish it
 - c) prevent you from explaining your case.
- During any disciplinary hearing the employee will have a full and fair opportunity to state his or her case and answer any allegations that have been made.
- During any hearing, the employee will also be allowed to ask questions, present evidence, and be given an opportunity to raise points about any information provided.
- Requests to call witnesses or cross examine witnesses will be considered and accommodated where reasonable practicable and proportionate in the circumstances of the case and where this does not conflict with any overriding duty RPT owes to other employees.
- If an employee is subject to the disciplinary process, he or she will be entitled to appeal against the penalty in accordance with the appeals process as set out in this policy and procedure.
- Employees are required to keep confidential the fact and nature of allegations and other aspects related to the Disciplinary Process, except a) for communication with your nominated companion or trade union representative, b) to formally approach colleagues as potential witnesses.

Disciplinary Procedure

In all but a few straightforward cases RPT will first investigate the allegations of potential disciplinary offences to establish the facts before deciding whether to invoke the formal Disciplinary Procedure.

It may be necessary for RPT to suspend an employee whilst an investigation is taking place. Any suspension will be no longer than is reasonably necessary and will be on full pay.

Suspension does not in itself constitute disciplinary action or imply any decision or judgment as to guilt. During the time of suspension, RPT requires employees do not attend RPT at any time (except with prior arrangement). Suspended employees may not communicate in any way with parents, pupils, staff or Trustees, except a) with prior written agreement of the Headteacher, b) where they are potential witnesses for the purpose of a formal disciplinary meeting. These must be agreed with the senior member of staff who carries out the investigation to avoid breach of confidentiality.

During a period of suspension your contracted duties to RPT (whether expressed or implied) remain in force and enforceable.

Formal Procedure

If RPT decides to invoke the formal Disciplinary Procedure it will adhere to the following procedure:

1. RPT will write to the employee and advise them that they are required to attend a disciplinary hearing.
2. In the invitation letter RPT will set out the issues or allegations that are to be considered, the basis for them, indicate how seriously these are being viewed, the potential consequences.
3. RPT will provide any relevant documentation including any relevant witness statements.
4. The letter will also detail the employee's right to be accompanied and confirm how this right can be exercised.
5. RPT will give reasonable notice of the requirement to attend the disciplinary hearing in order to allow the employee a reasonable period of time to prepare their case.
6. Disciplinary hearings where dismissal is not contemplated as a potential disciplinary sanction should the allegation(s) be upheld will usually be conducted and determined by the Headteacher/Head of School, or in the case of disciplinary proceedings involving the

Headteacher/Head of School, a panel of two, non staff, members of the Local Academy Board and the CEO.

7. Disciplinary hearings where dismissal may be contemplated as a potential disciplinary sanction should the allegation(s) be proved will be conducted and determined by the Headteacher/Head of School. Delegated powers of dismissal have been given to the Headteacher/Head of School.

Conduct of Disciplinary Hearing

Any disciplinary hearing will be conducted in a manner to ensure that:

1. The employee will be given a full and fair opportunity to answer any allegations against them and to present their case and any relevant evidence he or she wishes to be considered and on which they would like to rely.
2. The hearing will be attended by a note taker and the employee will be supplied with a copy of the notes as soon as is reasonable practicable after the hearing.
3. No decisions will be reached during the hearing itself. RPT will need to consider all the evidence together with the representations the employee has made, and in some cases may need to carry out further investigations before a decision can be reached.
4. Once a decision has been reached, RPT will write to the employee to confirm the outcome of the hearing.
5. Where the decision has been to take formal disciplinary against an employee, he or she will be informed of the nature of the disciplinary sanction, the reasons behind the decision and any other conditions that he or she may be required to satisfy as a result of the disciplinary process.
6. Where a disciplinary sanction has been imposed, he or she will also be informed of his or her right to appeal and the process to be followed should the employee wish to exercise this right in relation to the disciplinary decision reached.

Severity of Disciplinary Action

The severity of disciplinary action (if any) will be determined by the severity of the offence and any prior sanctions or records in the employee's history. Due consideration will be given to any bona fide mitigating circumstances raised during the disciplinary process. The following is provided as guidance only.

Verbal and First Written Warnings

These will generally be applied as the first step of corrective action following unsatisfactory performance or conduct offences.

RPT will also specify in the case of performance issues, reasonable and clear targets for improvement that the employee is required to attain within a reasonable review period.

A verbal or first written warning imposed as an outcome to the disciplinary process will be placed on the employee's personnel file for a specified period of time which will be notified to the employee in the disciplinary outcome letter.

Final Written Warnings and Dismissals

For more serious first offences, such as serious misconduct, RPT may impose a final written warning.

Alternatively, where an employee persists with an offence in relation to which they have a current and active verbal or first written warning or where an employee fails to achieve the required improvements within the review period specified in a previous disciplinary outcome, RPT may impose a final written warning having followed the disciplinary procedure in respect of any persisting or additional offences.

Continued failure to improve or more than one offence may result in dismissal. Trustees have delegated the authority to dismiss to the Headteacher/Head of School.

Where an allegation of gross misconduct is upheld RPT will normally dismiss summarily.

Alternative Disciplinary Sanctions

RPT may also consider and impose, having followed the Disciplinary Procedure in each case, additional or alternative sanctions including but not limited to demotion a loss of seniority/ pay or suspension without pay, as an alternative to dismissal.

Gross Misconduct

An employee may be liable to summary dismissal if they are found guilty of gross misconduct. The following are examples of issues, which might constitute gross misconduct. These are illustrative only and do not constitute an exhaustive list.

- A serious or wilful breach of RPT rules, regulations and policies.
- Failure to meet expected standards of work or behaviour amounting to serious neglect of duty.
- Gross negligence or dangerous behaviour, which causes or might cause unacceptable loss, damage or injury.
- Grossly indecent or immoral behaviour.
- Threatening or violent behaviour, fighting or physical assault.
- Deliberate falsification of any records (e.g. Sickness Self-Certification Form and time-sheets) in respect of the employee or any fellow employee.
- Undertaking private work on the premises and/ or in working hours.
- Deliberate and serious breach of confidence relating to RPT's or its pupils' affairs.
- Theft or misappropriation of money or property whether belonging to a RPT school, another employee or a third party.
- Unauthorised consumption of alcohol on the premises, or reporting for work under the influence of alcohol or controlled drugs.
- Any taking or possession of controlled drugs or stimulants, which have not been prescribed by a registered medical practitioner.
- Destruction/ sabotage of a RPT school's property or any other property on the premises.
- Serious Health and Safety breaches.
- Gross insubordination and/ or refusal to obey legitimate instructions given by any members of the management.
- Repeated breaches of RPT's Staff Code of Conduct.
- Any breach of a legal statute, which has a direct effect on the employee's ability to undertake stated duties and/or on the desired characteristics of his or her position.
- Allowing or assisting any unauthorised person to gain entry to the premises.
- Absence from duty without authorisation.
- Any breach of trust or unauthorised disclosure of information relating to discussing/leaking RPT's affairs to third parties.
- Driving on RPT business without an appropriate licence and/ or the appropriate insurance.
- Discrimination or harassment or other breach of RPT's Equality Statement.
- Failure to inform the management of any criminal charges/ convictions or police cautions that are relevant to the employee's employment, or to inform the management of disqualification due to association information.
- Breaches of RPT schools Safeguarding and Child Protection Policies and Procedure;
- Breaches of RPT schools ICT, Social Networking and Data Policies;
- Serious breach of the standards of professional conduct as set out in the Teacher Standards and RPT Staff Code of Conduct.

Behaviour Outside Working Hours

RPT demands employees of the highest integrity and expects all employees to maintain high standards outside working hours. Any outside activities, which could reasonably be regarded as detrimental to the reputation of RPT, may lead to dismissal.

As a condition of employment, employees are required to notify RPT immediately of any criminal charges, cautions or conviction, plea of guilty or not guilty in respect of a criminal offence.

RPT Disciplinary Appeal Procedure

The Disciplinary Procedures incorporate an employee's right to lodge an appeal in respect of any disciplinary action taken against them.

If an employee wishes to exercise this right, he or she should write to the Clerk of Trustees in the first instance, within 10 working days of the decision he or she is complaining against, setting out the grounds and basis for the appeal.

Disciplinary appeals will usually be conducted and determined by a panel of two, non staff, members of the Local Academy Board and the CEO who have not previously been involved in the disciplinary process.

The employee has the right to be accompanied by a working colleague or a professional association representative at any disciplinary appeal meeting and will be given a full opportunity to state his or her case and put forward his or her version of events.

The appeal hearing will be attended by a note taker and the employee will be supplied with a copy of the notes as soon as is reasonable practicable after the hearing.

No decisions will be reached during the hearing itself. RPT will need to consider all the evidence together with the representations the employee has made, and in some cases may need to carry out further investigations before a decision can be reached.

The Employee will be notified of the result of the appeal in writing without unreasonable delay. The appeal decision is the final stage of RPT's Disciplinary Procedure.

Confidentiality

All proceedings described in this document shall be confidential.

Review of the Policy

This policy is reviewed by Trustees periodically.