



East Midlands  
Education Trust

# DISCIPLINARY PROCEDURES

Autumn 2021

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## 1 Introduction

- 1.1 The framework set out in this policy is intended to ensure that all staff are treated equitably, and also takes account of relevant legislation and employment law, as well as any provisions contained within relevant conditions of service, or other specific Trust policies and contractual provisions.
- 1.2 The Trustees also understand their responsibility to ensure a safe environment for all children and other adults in the Trust's Academies. The following procedure also reflects the statutory requirements on the Trustees to ensure the Safeguarding of Children.
- 1.3 The procedure will apply to all staff employed by the Trust and will deal with all cases of staff misconduct. Issues relating to the capability of staff, either through absence or performance, are dealt with through separate Trust procedures. Appendix 3 sets out the standards of conduct expected by the Trustees for all members of staff.
- 1.4 The Head Teacher will be responsible for ensuring that all cases of conduct considered under this policy follow the agreed procedure outlined in the remainder of this document.
- 1.5 Whilst it is expected by the Trust that other than in exceptional circumstances members of staff will attend meetings arranged as part of the procedures outlined in this policy, any reference to the right to be accompanied means:
  - a. Where an employee has a right to be accompanied by this policy, they may be accompanied by a work colleague or trade union representative (the 'companion').
  - b. Subject to the following paragraph, the companion shall be entitled to address the hearing to put the employee's case; sum up that case; and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing.
  - c. The companion shall not be entitled to use the above entitlements in a way that prevents the employer from explaining its case or prevents any other person at the hearing from making their contribution to it.
  - d. The companion shall not be entitled to address the hearing if the employee indicates during the hearing that they do not wish the companion to do so, or answer questions on behalf of the employee.

## 2 Roles and Responsibilities

- 2.1 Where an incident occurs which gives cause for concern and which may possibly lead to disciplinary action, the Head Teacher will reach an initial decision about how this will be dealt with and determine who will undertake the necessary roles and responsibilities in line with this policy. The Head Teacher may choose to appoint a Commissioning Manager from within their Leadership Team to manage the disciplinary process.

### **Investigating Officer**

- 2.2 If deemed necessary, the Head Teacher or Commissioning Manager will identify an appropriate person to undertake a formal investigation into the matter. This will usually be a member of the Leadership Team of the relevant individual Academy. The Investigating Officer will be responsible for ensuring that all the appropriate evidence is gathered and investigated.

## **Disciplinary Panel**

- 2.3 Where, following a formal investigation of an allegation there is a recommendation for formal disciplinary action, the case will be considered by a panel of governors (normally three), which may include the Head Teacher where they have not been involved in the investigation process. The role of the panel will be to consider evidence presented to them from the Commissioning Manager, Investigating Officer and the member of staff and to determine an appropriate response within the framework set out later in this policy at paragraph 9.
- 2.4 In the first instance the panel should be made up of Governors of the school. However, it is recognised that at times it can be difficult to secure three independent Governors, due to HR processes with multiple steps or in schools that have a small number of Governors. In these cases, it would be acceptable to invite Governors from another school within the Trust to complete the panel.
- 2.5 In some circumstances, such as the need to bring in additional expertise, the school may seek to include a trustee on a panel. Trustees reserve the right to place a trustee on a governor panel if they wish to do so.
- 2.6 In all cases, schools must strive to include at least one member of their Governing Body on panels to share local knowledge of their school with other panel members, where possible.

## **Presenting Officer**

- 2.7 Where a formal disciplinary panel is arranged, usually the Head Teacher or the Commissioning Manager (if one is appointed) will present the case, supported by the Investigating Officer. Where the Head Teacher is part of the panel, the Commissioning Officer (if one is appointed) and the Investigating Officer will usually present the case to the panel. However, there may be occasions when the Investigating Officer will present alone, if they and the Commissioning Manager both agree that this is appropriate.

## **Appeal Panel**

- 2.8 All appeals against a formal warning or dismissal will be heard by a panel of three governors who have had no previous involvement in the same stage of the disciplinary process.

## **3 Safeguarding Pupils**

- 3.1 Any allegations of misconduct relating to safeguarding of pupils or allegations of incidents which did not involve children but could have an impact on an individual's suitability to work with children involving a member of staff or a member of agency staff working within an EMET school, will be dealt with in line with the procedures outlined in paragraph 7 of this policy.

## **4 Criminal Offences**

- 4.1 Where a member of staff is subject to a criminal investigation or is charged with or convicted of a criminal offence, the Trust will seek to discuss the situation with the police before deciding on what action to take. As far as possible the Trust will seek to deal with the matter as soon as possible in accordance with the agreed procedures outlined in this policy, but will take account of information received from the police where immediate action may jeopardise any criminal investigation or conviction.

## 5 Disciplinary action against a trade union official

- 5.1 In a case where disciplinary action is proposed against a trade union official, no action will be taken until a senior representative or full time officer of that trade union has been informed.

## 6 Disciplinary Procedure

### **Preliminary Investigation**

- 6.1 Following the disclosure of evidence or allegations of misconduct of a member of staff, the Head Teacher will consider the detail and determine how to proceed. Initially the Head Teacher or Commissioning Manager will seek to clarify the allegations, including an initial discussion with the member of staff concerned to obtain a balanced judgement about how to proceed, including possible suspension.
- 6.2 Where the allegations are against the Head Teacher, the Chair of Governors or the Trust will be responsible for determining the appropriate course of action. It is recommended that the Chair of Governors discusses all allegations with the HR Department prior to making any decisions or taking any action
- 6.3 Under the Trust's Terms of Reference, only Trustees are able to suspend a Head Teacher. If suspension of a Head Teacher may be required, the Chair of Governors must discuss this with the HR Department.
- 6.4 If the facts of the case are straightforward, the individual acknowledges their actions and witness statements are not required, the Head Teacher may decide not to conduct a formal investigation. The Head Teacher may then either take no disciplinary action, recommend counselling or issue a formal written warning. These options and the procedures for executing them are explained further at paragraphs 9.4 to 9.6.
- 6.5 The individual will have the right of appeal to a panel of Governors against any sanction given at this stage by the Head Teacher.
- 6.6 Where the Head Teacher or Commissioning Manager decides that there is a potential disciplinary case to investigate they will appoint an Investigating Officer to undertake a full investigation. This will usually be a member of the Leadership Team of the relevant individual Academy or another appropriate person where it is considered necessary to ensure an equitable investigation takes place.

### **Suspension**

- 6.7 At any point during the process, following disclosure of evidence or allegations of misconduct, the Head Teacher may consider the possible suspension of the member of staff. Normally a decision about suspension will not take place until the Head Teacher or Commissioning Manager has undertaken the initial preliminary investigation and consulted with the Chair of Governors and the HR Department. Suspension will be considered where:
- 6.7.1 the continued presence of the member of staff at work may be prejudicial to a fair disciplinary investigation;
- 6.7.2 there is evidence that the allegations are serious enough to warrant consideration of dismissal and/or may constitute gross misconduct. Where possible this evidence will be made available to the member of staff.
- 6.8 Any suspension of a member of staff will be on full pay. It will be explained to the member of staff that suspension is not a disciplinary sanction and does not indicate or presume the outcome of any disciplinary hearing. There will be no right of appeal against suspension. Wherever possible the Head Teacher will seek to ensure that the member of staff is supported at the suspension meeting.

- 6.9 Any decision to suspend a member of staff will be confirmed in writing within three working days, confirming the reason for the suspension. The member of staff will be instructed not to contact parents and pupils or discuss the case with members of staff, the Governing Body, the Trustees or the wider school community, unless authorised to do so by the Head Teacher. The member of staff will be advised that they may wish to contact their trade union.

### **Formal Investigation**

- 6.10 Once a decision has been taken to undertake a formal investigation the member of staff will be advised to contact their trade union, who may accompany them to future investigatory meetings. The member of staff will be given the opportunity to submit a written summary of issues which they may wish to be considered during the investigation and to provide a written statement as part of the investigation.
- 6.12 The Investigating Officer will be responsible for ensuring that the allegations are investigated fully and will request written statements from the member of staff and any witnesses identified as part of the investigation. The member of staff may also request that specific witness statements are sought in support of their case.
- 6.13 Other than in exceptional circumstances, in the first instance the Investigating Officer will interview all the identified witnesses and any other relevant witnesses that emerge as part of the investigation. They will also ensure that they take account of any documentation or other evidence relevant to the allegation. The Investigating Officer will be responsible for ensuring that a note of those meetings is taken and that the individual witnesses have the opportunity to verify the accuracy of those notes before concluding the investigation. All witness statements should be signed by the witness. The witnesses will be asked to maintain confidentiality about the case.
- 6.14 Following the completion of the witness interviews, the member of staff will be invited to a formal investigatory meeting. The member of staff will be given five working days' notice in writing of the intention to hold a formal investigatory meeting, and given the right to be accompanied at the meeting by their trade union or another colleague should they wish. The letter will also outline the nature of the allegations / investigation.
- 6.15 The investigatory meeting will cover all the issues of concern about the allegations and provide the opportunity for the member of staff to respond to the allegations, including issues raised by the witnesses. At this stage copies of the witness statements will not be shared with the member of staff. The member of staff will also be advised that the investigation may lead to a formal disciplinary hearing. The Investigating Officer will be responsible for ensuring that a note of the meeting is taken and that the member of staff has the opportunity to verify the accuracy of and comment on those notes before concluding the investigation. The member of staff will be asked to sign the notes to confirm they are a true reflection of the meeting. If there is a disagreement with the notes, the nature of the disagreement will be noted on file.
- 6.16 Where as a result of the formal investigation additional information emerges that requires further investigation before concluding the formal investigation, the Investigating Officer will undertake further investigation, including obtaining any additional witness statements and undertaking witness interviews. Where further investigation has taken place a further formal investigatory meeting will be held with the member of staff to give them the opportunity to comment and respond before the investigation is concluded. A written note of that meeting will also be taken and a copy given to the member of staff for comment and signature.
- 6.17 At the conclusion of the formal investigation the Investigating Officer will review the evidence and report back to the Commissioning Manager to determine what action is necessary. The member of staff will be notified of the next stage within 20 working days of the investigation concluding.
- 6.18 Where the allegations are against the Head Teacher, the Chair of Governors or the Trust will be responsible for ensuring that an appropriate Investigating Officer is appointed. At the conclusion of the investigation the Chair of Governors or the Trust, in conjunction with the Investigating Officer, will be responsible for determining what action is necessary.

## **Possible responses**

- 6.19 In reaching a decision the Commissioning Manager and Investigating Officer will take account of the seriousness of the allegations and the overall impact on the Trust. They will also take account of wider factors which may be relevant and may include:
- 6.19.1 any circumstances which may have been outside the control of the member of staff which may have been a contributory factor;
  - 6.19.2 personal difficulties or health issues which may have affected the member of staff's judgement or behaviour;
  - 6.19.3 the level of relevant procedures, policies or guidance, support and supervision, which the member of staff had access to;
  - 6.19.4 the level of responsibility and/or experience of the member of staff;
  - 6.19.5 whether the misconduct represents an isolated incident or follows previous incidents which have been addressed with the member of staff;
  - 6.19.6 any other mitigating circumstances relevant to the situation.
- 6.20 Issues relating to the capability of a member of staff will be dealt with through the Trust's Formal Capability Procedure.

## **Counselling**

- 6.21 Where it is considered that the seriousness of the allegation is not sufficient to warrant moving to a formal disciplinary warning the Head Teacher will arrange a formal counselling meeting to take place with the member of staff, at which they will have the opportunity to be accompanied. The meeting may also include another senior member of staff or Governor. The purpose of the meeting will be to make it clear that the behaviour is unacceptable and inappropriate and should not be repeated and identify future expectations and any further support and counselling for the member of staff that may be appropriate. Also the member of staff will be advised that any future unacceptable or inappropriate conduct will lead to formal disciplinary action.
- 6.22 A written record of the counselling meeting and the agreed outcomes, including support, will be retained on the member of staff's personal file and will be reviewed after 12 months. The member of staff will receive a copy.

## **Formal disciplinary action**

- 6.23 Where it is considered that the seriousness of the allegation is sufficient to warrant a formal disciplinary hearing, a panel of three governors will be established to hear the case. Where the Head Teacher has not been the Investigating Officer nor been involved in the formal investigation, they may be included as one of the panel members.
- 6.24 Where the allegations are against the Head Teacher, the disciplinary hearing will be considered by a panel of governors with no previous involvement in the investigation.
- 6.25 Where a formal disciplinary hearing is required this will be arranged and conducted in accordance with the procedure outlined in paragraph 8 of this policy.

## 7 Allegations Against Staff Which Could Have an Impact on their Suitability to Work with Children

### General Issues

- 7.1 The Trustees recognise their responsibility to ensure that where allegations of potential child abuse or actions which may impact on an individual's suitability to work with children are made, they will act in accordance with national legislation and procedures and local procedures. The following section of this procedure is therefore established within the framework of those national and local procedures.
- 7.2 The Trustees expect all staff employed by the Trust and agency workers working within the Trust to ensure that their conduct and behaviour with children and young people is appropriate and that they take all reasonable steps to minimise the risk of their actions being construed as illegal or professionally inappropriate.
- 7.3 The Trustees will ensure that a senior member of each Academy's leadership team is designated to have specific responsibility for co-ordinating action within the Academy and for liaising with children's social care and other agencies over suspected child abuse or other actions which may impact on an individual's suitability to work with children. In addition, a nominated Governor is appointed to be responsible for ensuring that their Academy's Governing Body meets its statutory responsibilities for Safeguarding children.
- 7.4 Given the sensitive nature of allegations of this type the Trustees will seek to ensure that confidentiality is maintained and that cases are resolved as quickly as possible in the context of a thorough investigation. The Trustees however recognise that parents and carers of any children involved should be kept informed, on a confidential basis, about the allegation and the progress of any subsequent procedures.
- 7.5 Where allegations against a member of staff are made, the Head Teacher will seek to ensure that the member of staff is kept informed of progress and offered appropriate support. However, in some cases the police or social care officers may require some information to be withheld if it could prejudice their enquiries.
- 7.6 Where allegations are made against an agency worker who works within the Trust, the Head Teacher or Designated Officer for the school will contact the Agency to work through the procedures together.
- 7.7 The Trustees have adopted a formal protocol for the management of safeguarding allegations against staff (Appendix 2) and a checklist to inform and record decision making in these situations (Appendix 3).

### Initial investigation

- 7.8 Any member of staff who witnesses inappropriate behaviour by another employee or receives such a complaint from a parent, child, governor, colleague or other person has a duty to respond appropriately and in line with this procedure.
- 7.9 Any member of staff receiving an allegation of inappropriate behaviour against another member of staff must report this immediately to the Head Teacher (or the nominated governor where the allegation is against the Head Teacher). The member of staff receiving the allegation will be required to make an immediate written, dated record of the allegations.

- 7.10 The Head Teacher, designated officer, or nominated governor will immediately:
- 7.10.1 Inform the Local Authority Designated Officer (LADO);
  - 7.10.2 Obtain details of the allegation in writing, signed and dated by the person who received the allegation, and countersigned by the head teacher or nominated governor;
  - 7.10.3 Record any information about times, dates, locations and names of potential witnesses;
  - 7.10.4 Complete the checklist at Appendix 3.
- 7.11 The Head Teacher or nominated governor will make an initial assessment of the circumstances. Where the allegation is clearly malicious the matter will be dealt with internally in school. The allegation will not be discussed with the member of staff. In all other cases the Head Teacher or nominated governor will consult the LADO and will decide whether the allegation requires further investigation, and if so by whom. No further investigations will take place prior to this decision. However, if the Head Teacher and LADO are of the view that the allegation is considered to be a potential criminal act within the scope of the child protection legislation or indicates that a child has suffered, is suffering or is likely to suffer significant harm, the case will be referred immediately to the police and / or children's social care officers.

### **Further investigation**

- 7.12 Where the Head Teacher (or nominated governor) and the LADO conclude that the allegation warrants further investigation, the following will be considered:
- a. a referral to one or more of the agencies with statutory responsibilities to make enquiries (e.g. police, children's social care)
  - b. an investigation under the school's disciplinary procedures where the Head Teacher (or nominated governor) and LADO are wholly satisfied that children are not at risk of significant harm or that a potential crime has not been committed.
- 7.13 Where a decision is taken to refer the case to other agencies, no member of staff, governor of the Academy, or Trustee will undertake any further investigation without further discussion and agreement with those agencies. However, where there are no objections the Head Teacher (or nominated governor) will:
- a. inform the child/children or parent making the allegation about the referral and explain the likely course of action;
  - b. ensure that the parents / carer of the child who is the alleged victim have been informed of the facts of the allegation and the likely course of action;
  - c. inform the member of staff against whom the allegation is made and explain the likely course of action;
  - d. inform the Chair of Governors / nominated governor of the school.

A written record of the action taken will be made by the Head Teacher (or nominated governor).

### **Suspension**

- 7.14 Where a potential serious allegation is made against a member of staff the Head Teacher will consider the possibility of suspension. The principles set out in paragraph 6.2 of this policy will apply but particularly in a case of potential safeguarding risks, the following will be significant:
- a. where there is evidence that a child or children continue to be at risk and no other action can be taken to minimise the risk;
  - b. where the allegations are so serious that they constitute gross misconduct and there is sufficient evidence to suggest that the allegations may be true;
  - c. where it is necessary to allow the conduct of the child protection enquiries / investigation to proceed unimpeded;

- d. where a police investigation is being undertaken and the police have indicated that suspension would be appropriate;
- e. to protect the interests of the member of staff.

The member of staff will be advised that they may wish to contact their trade union.

- 7.15 If, as a result of an Allegations Against a Professional (AAP) meeting, the police are conducting a criminal investigation relating to the case, the Head Teacher will not arrange a meeting with the member of staff or consider suspension without prior discussion with the officer in charge of the case.
- 7.16 The Head Teacher should consult with their Chair of Governors and the HR Department before making any final decisions on suspension.

### **Formal investigation**

- 7.17 An AAP meeting may be held to determine whether or not a formal investigation should take place. This could include:
  - a. an enquiry conducted by Children's Social Care under local procedures;
  - b. related police investigations into possible criminal offences;
  - c. an internal investigation under the Trust's disciplinary procedure.
- 7.18 The Trust will not normally proceed with any internal disciplinary investigation until the police or child protection agencies have undertaken their investigations. However, the Trustees will wish to deal with the internal investigation as soon as possible and therefore, unless requested not to do so by the external agencies, the Head Teacher will arrange for an internal investigation to be conducted following completion of the preliminary investigations undertaken by external agencies. It is expected that any evidence gathered as part of that external investigation will be made available to the Head Teacher (or nominated governor) at the earliest opportunity.
- 7.19 Any internal investigation will be conducted within the framework of the procedure outlined in paragraph 6.3 of this document.
- 7.20 In appointing an Investigating Officer the Head Teacher (or nominated governor) may consult the LADO to determine the most appropriate person to undertake the role.
- 7.21 A full investigation will be undertaken by the Investigating Officer which may include interviewing parents and pupils and formal signed statements will be requested. All witnesses will be informed that any information disclosed during the investigation will be shared with the member of staff against whom the allegations have been made.
- 7.22 If at any stage during the investigation, new evidence emerges which suggests that a referral may be necessary under the local child protection procedures or to the police, the investigation will be suspended, pending the referral. Further investigation will be dependent upon the outcome of the referral.
- 7.23 The Trustees will wish the full investigations to be completed as quickly as possible, and take account of the nationally recommended timescales. However, the procedure outlined in paragraph 8 details the timescales required by the Trust's internal disciplinary procedure for hearings and possible appeals.

### **Possible responses**

- 7.24 Following completion of the investigation, the Head Teacher (or nominated governor) will review the evidence and decide whether or not there is a formal disciplinary case.

- 7.25 Where it is determined that a formal disciplinary hearing should be arranged that should be dealt with as covered in paragraph 8 of this policy.
- 7.26 Where the Head Teacher (or nominated governor), in consultation with the LADO and other appropriate agencies believe that the allegation is without foundation the member of staff will be informed that no further action is intended and this will be confirmed in writing within 3 working days. Where the member of staff has been suspended during the investigation, that suspension will be terminated and the member of staff allowed to return to work at the earliest opportunity.
- 7.27 Where no further action is intended the member of staff will be supported in their return to school and the parents / carers of the child or children concerned will be informed that no further action is intended. The Head Teacher will also consider appropriate counselling for the child or children concerned should they or their parents request it.
- 7.28 Where, as a result of the investigation and following consultation with the LADO, there are possible concerns that the child may have been abused by someone else, a referral under the local child protection procedures may be considered.
- 7.29 The Head Teacher will also prepare a confidential report confirming the action taken and the reasons for the decision. The report will be retained by the Trust and a copy will also be sent to the LADO.

## 8 Disciplinary Hearings

- 8.1 Where it has been decided that a formal disciplinary hearing is required, this will be arranged by the Commissioning Manager, (or Chair of Governors where the allegation is against the Head Teacher).
- 8.2 The member of staff will be given at least 5 working days' notice in writing of the date of the hearing. They will also be given the opportunity to be accompanied at the meeting by their trade union representative or colleague.
- 8.3 The written notice will confirm the date and time of the hearing and all documentation to be considered at the hearing will be issued at the same time. Also, where a possible outcome of the hearing may be dismissal, this will be confirmed in the letter. Copies will also be sent to the members of the disciplinary panel at the same time.
- 8.4 The member of staff will be invited to submit any written evidence they wish to be considered at the hearing. Any written documentation must be submitted to the Commissioning Manager (or nominated governor) at least two working days before the hearing. These papers will also be circulated to members of the disciplinary panel prior to the hearing. Other than in very exceptional circumstances, and only with the prior agreement of the chair of the disciplinary panel, any papers submitted after that deadline will not be considered by the panel at the disciplinary hearing.
- 8.5 Where a member of staff's representative is unable to attend on the date of the meeting, the member of staff may request that a further date is arranged with 5 working days of the original date. The member of staff should notify the Head Teacher or nominated governor of this request within 2 working days of receiving the notification of the hearing. There will be no further extension of time beyond 5 days. If the member of staff is unable to arrange representation following an extension of the date of the meeting, the hearing will proceed without representation for the member of staff.
- 8.6 The procedure under which disciplinary hearings will be conducted is attached as Appendix 1. A copy of this procedure will be sent to the member of staff and members of the disciplinary panel as part of the invitation to the hearing.

## 9 Disciplinary Outcomes

- 9.1 Following a disciplinary hearing the panel may determine one of the following outcomes. In reaching a decision on the level of disciplinary response, the disciplinary panel will take account of the particular circumstances of the case including any personal or other mitigating circumstances as highlighted in Appendix 1.
- 9.2 Other than in exceptional circumstances a disciplinary panel will not repeat a level of warning for a similar offence for which there is already a live disciplinary warning on file.
- 9.3 Where a member of staff who is subject to an allegation goes off sick at any point during the investigation or disciplinary procedure, the governing body will continue to progress the procedure in line with this policy. In the first instance the Head Teacher will seek to obtain a medical view about the absence and also offer an alternative date for meetings to take place. Therefore, other than in exceptional circumstances, if a member of staff is unable to engage with the investigation or hearing due to ill health within a reasonable time, they will be informed that the process will proceed in their absence and they will be given the right to be represented by their trade union or a colleague and/or to submit any evidence in writing.
- No formal disciplinary action**
- 9.4 Where the Head Teacher or panel consider that there is no case to answer this will be confirmed in writing within 3 working days.

### **Formal Counselling**

- 9.5 Where the Head Teacher or panel consider that the evidence is substantiated but the level of concern is minor, they may make a recommendation that formal counselling takes place for the member of staff to raise awareness of the potential implications of their behaviour or actions in the future. The Head Teacher or panel will determine at the meeting how long the details of the investigation will remain on file. Usually a warning will be issued for 12 months but in exceptional circumstances may be increased up to 24 months. This will be confirmed in writing within 3 working days and a full record retained on the personal file of the member of staff. The case will be subject to review after the allocated time.

### **Formal written warning**

- 9.6 In the case of a substantiated allegation of misconduct or where there is an accumulation of minor offenses, the Head Teacher or panel may issue a written warning. It will be determined at the meeting how long the warning will remain on file. Usually a warning will be issued for 12 months but in exceptional circumstances may be increased up to 24 months. This will be confirmed in writing within 3 working days and a copy, along with a copy of the disciplinary hearing papers, will be retained on the personal file of the member of staff. The case will be subject to review after the allocated time.

### **Formal final written warning**

- 9.7 Following an earlier warning for misconduct or in a case of serious misconduct short of dismissal, the disciplinary panel may issue a final written warning, including a statement that any further misconduct may lead to dismissal. The panel will determine how long the warning will remain on file. Usually a warning will be issued for 24 months but in exceptional circumstances may be increased up to 36 months. This will be confirmed in writing within 3 working days and a copy, along with a copy of the disciplinary hearing papers, will be retained on the personal file of the member of staff. and the case will be subject to review after the allocated time.

### **Dismissal**

- 9.8 In cases of gross misconduct, or in cases of serious misconduct following a previous warning or misconduct following a final warning, the disciplinary panel may dismiss the member of staff. The decision to dismiss will be confirmed in writing within 3 working days.

## 10 Appeals

- 10.1 A member of staff will be given the right of appeal against any outcome issued by the Head Teacher or disciplinary panel, and this will be confirmed in writing in the notification of the outcome of the hearing letter. A member of staff will be given 5 working days from the receipt of the letter in which to submit their written appeal.
- 10.2 The written appeal should include the grounds of the appeal and any documentation which the member of staff wishes to be taken into account by the appeals panel.
- 10.3 On receipt of a written appeal the Head Teacher, or nominated governor, will arrange an appeal hearing. The appeal panel will comprise at least three governors with no previous involvement in the same stage of the disciplinary process.
- 10.4 The member of staff will be given at least 5 days' written notice of the date of the appeal hearing. Copies of all documentation to be considered at the hearing will be sent to the member of staff at the same time and will also be sent to members of the appeal panel.
- 10.5 Where a member of staff's representative is unable to attend on the date of the meeting, the member of staff may request that a further date is arranged with 5 working days of the original date. The member of staff should notify the Head Teacher or nominated governor of this request within 2 working days of receiving the notification of the hearing. There will be no further extension of time beyond 5 days. If the member of staff is unable to arrange representation following an extension of the date of the meeting, the hearing will proceed without representation for the member of staff.
- 10.6 In the case of an appeal against dismissal, the appeal may be heard during the notice period of the member of staff, or in the case of immediate dismissal following gross misconduct the appeal may be heard after the termination of the contract of the member of staff. In the outcome of a successful appeal the employment of the member of staff would be reinstated.

## 11 Review of Disciplinary Warnings

- 11.1 The time periods for disciplinary warnings remaining live on a personal file outlined above represent the minimum period applicable at each level. At the end of the initial period the Head Teacher will review the case with the individual member of staff. Where it is decided by the Head Teacher to extend the period this will be reviewed at 12 month intervals. Normally for a written warning the maximum period of extension would be up to three years and for a final warning up to five years. Where a warning is regarded as spent a copy of the decision will be retained on the member of staff's personal file attached to the copy of the original warning.
- 11.2 In the case of any investigations and/or warnings arising from allegations relating to the safeguarding of children, the records will remain on the personal file until the member of staff has retired or for 10 years if that is longer.

## 12 Referral to the Teaching Regulation Agency

- 12.1 Where as a result of disciplinary action a teacher has been dismissed, or resigned during the process to avoid dismissal, the matter will need to be referred to the Teaching Regulation Agency to consider the teacher's future professional status. Please contact the HR Department to discuss this further.

## 13 Referral to the DBS

- 13.1 There is a legal requirement for schools to make a referral to the DBS where an individual is removed from regulated activity (or would have been removed had they not left voluntarily), and the school believes the individual has:
- engaged in relevant conduct in relation to children and/or adults;
  - satisfied the harm test in relation to children and/or vulnerable adults; or
  - been cautioned or convicted of a relevant offence.
- 13.2 Please contact the HR Department to discuss this further in relevant cases.

## 1 Disciplinary and Appeal Hearing Procedure

- 1.1 Notes of the hearing and outcome will be taken by an appropriate individual.
- 1.2 At the hearing the Commissioning Manager and Investigating Officer will be responsible for presenting the evidence to the disciplinary panel in the presence of the member of staff and their companion. Witnesses may be called individually in support of the Academy's case.
- 1.3 The Commissioning Manager, Investigating Officer and any witnesses called may be asked questions by the member of staff or their companion on the evidence presented.
- 1.4 The witnesses may then be asked further questions by the Commissioning Manager and Investigating Officer.
- 1.5 Members of the disciplinary panel may ask questions of the Commissioning Manager, Investigating Officer and witnesses on the evidence submitted.

Note: After completion of the above stages the witnesses will be:

- a. instructed not to discuss the case in any way until after the hearing has been determined;
  - b. asked to leave the meeting. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall and should keep themselves available if requested to do so.
- 1.6 The member of staff or representative will state their case in the presence of the Commissioning Manager and Investigating Officer. Witnesses may be called by the member of staff in support of their case.
  - 1.7 The member of staff and any witnesses called may then be questioned by the Commissioning Manager and Investigating Officer.
  - 1.8 The witnesses may then be asked further questions by the member of staff or representative on the evidence presented.
  - 1.9 The disciplinary panel may ask questions of the member of staff and their representative and any witnesses called.

Note: After completion of the above stages the witnesses will be:

- a. instructed not to discuss the case in any way until after the hearing has been determined;
  - b. asked to leave the meeting. Unless otherwise determined by the parties to the hearing, the witnesses may be subject to recall and should keep themselves available if requested to do so.
- 1.10 The Commissioning Manager and Investigating Officer will then have the opportunity to sum up the case against the member of staff.
  - 1.11 The member of staff or their representative will have the opportunity to sum up on their behalf and offer the disciplinary panel details of any mitigating circumstances they consider should be taken into account (see Section 2 below).
  - 1.12 The Commissioning Manager, Investigating Officer, the member of staff and their companion will then withdraw.

- 1.13 The disciplinary panel will then deliberate in private, only recalling the member of staff and their companion, the Commissioning Manager and Investigating Officer to clarify points of uncertainty on evidence already given. Any officer acting in an advisory role to the panel will remain in the meeting to advise on procedural matters but will not be part of the decision making process. Notes will not be taken of the deliberation process, but should be taken if a recall of the member of staff, a witness or the Commissioning Manager and Investigating Officer is necessary. If recall of the member of staff, Commissioning Manager or Investigating Officer is necessary, both parties will be invited to return, even if only one of them is concerned with the point giving rise to doubt. Both parties will also be invited to return should it be necessary to seek clarification from any of the witnesses.
- 1.14 The disciplinary panel will also consider any relevant mitigating circumstances which need to be taken into account in reaching a decision (see Section 2 below).
- 1.15 Once the disciplinary panel has reached a decision, the Commissioning Manager, Investigating Officer, the member of staff and their companion will be invited to return to the meeting and the decision will be given verbally to all parties at the same time. Any right of appeal will be explained to the member of staff. The decision of the disciplinary panel and any right of appeal will be confirmed in writing within 3 working days.
- 1.16 The above procedure will apply to all appeal hearings but no further right of appeal against the decision will be allowed following the appeal hearing.

## 2 Mitigating Circumstances

- 2.1 In reaching a decision the disciplinary panel will ensure that all reasonable circumstances of the case have been taken into account, which may include:
  - a. the previous disciplinary record of the member of staff;
  - b. the member of staff's general record, position, length of service and state of health;
  - c. the penalty imposed in similar cases in the Trust in the past;
  - d. any mitigating circumstances raised by the member of staff during the presentation of their case or any other relevant mitigating circumstances which may affect the overall penalty imposed.
- 2.2 The disciplinary panel will also consider the following when reaching a decision:
  - a. Has there been as much investigation as is reasonable in the circumstances?
  - b. Does the disciplinary panel genuinely believe 'on the balance of probability' that the member of staff has committed the misconduct? The disciplinary panel will have regard to the civil test of guilt on the balance of probability which indicates that the level of probability should be proportionate to the severity of the sanction being considered (i.e. if the recommendation is to dismiss then the level of probability must be proportionately greater.)
  - c. Has the disciplinary panel got reasonable grounds on which to sustain that belief?
  - d. Is the misconduct sufficiently serious to justify the disciplinary decision being contemplated?
  - e. Is the decision within the band of reasonable responses of a reasonable employer in the circumstances?

## Safeguarding Protocol

### 1 General Principles

- 1.1 Employees and agency workers working in the Trust are expected to ensure their conduct and behaviour with all young people is appropriate, and to take all reasonable steps to minimise the risk of their actions being construed as illegal or professionally inappropriate.
- 1.2 It is recognised that the nature of relationships between staff and pupils may lead to allegations being made against staff by pupils or parents. Such allegations may be true, or may be false, malicious or misplaced. The Trustees would therefore expect everyone involved to maintain an open mind in dealing with allegations.
- 1.3 It is expected that every effort will be made to ensure that cases are resolved as quickly as possible, ensuring a fair and thorough examination of the allegations.

### 2 Roles and responsibilities

#### 2.1 All Trust staff / Governors / Trustees

All Trust staff, agency workers working within EMET schools, Governors and Trustees have a responsibility to respond appropriately to any allegations about members of staff or agency workers which could constitute abuse of a young person. The Trustees recognise that such allegations may be related to physical, mental and / or sexual abuse; they may be at a level which constitutes inappropriate behaviour or unprofessional conduct; they may be a criminal offence. The Trustees expect that all staff are alert to their responsibilities and that the Head Teacher, the designated person and the chair of governors and nominated governor are familiar with their specific responsibilities. All school staff will have access to information, training and support on the relevant procedures.

#### 2.2 Designated person

A member of an Academy's senior leadership team will be appointed to have specific responsibility for co-ordinating action in that Academy and for liaising with external agencies over suspected cases of child abuse. However, a second person will be nominated should the nominated person not be in school at the time of the allegation. In all cases the Head Teacher should be informed of any allegations and the actions taken. If the allegations are against the Head Teacher, the Chair of Governors should be informed immediately.

#### 2.3 Nominated Governor

This governor will be responsible for liaising with the Head Teacher / designated person at their Academy over matters regarding child protection issues. The nominated governor will be responsible for ensuring that an annual agenda item is placed on the governing body agenda to report on relevant issues including policy changes, training, and numbers of incidents in the Academy.

They will also be responsible for liaising with the Head Teacher over allegations of child abuse and having an oversight of procedures relating to any referrals to external agencies.

The nominated governor will also be responsible for having an oversight of the procedure for any allegations made against the Head Teacher.

### 3 Dealing with an initial disclosure

- 3.1 Any member of staff who witnesses abusive behavior by another employee or agency worker, or receives such a complaint from a parent, child, governor, colleague or other person has a duty to respond appropriately and in line with these procedures. This includes concerns about any behaviour that may indicate that an individual may not be suitable to work with children, whether that occurred inside or outside of work, or where the behaviour did not involve children but could have an impact on their suitability to work with children.
- 3.2 A child reporting to a member of staff that they have been abused by another member of school staff or an agency worker will be listened to. The Trustees recognise that it is often difficult for a member of staff to believe that a colleague may have behaved in the manner alleged. However, it is expected that members of staff will keep an open mind regarding the circumstances of the allegation and that the following guidance is taken into account when dealing with such an allegation, particularly if made directly by a child:
- a. The child should be listened to but not interviewed or asked to repeat their account.
  - b. Avoid asking direct questions, particularly leading questions wherever possible.
  - c. The child should not be interrupted when recalling significant events.
  - d. All information should be noted carefully. As far as possible details such as timing, setting, who was present and what was said should be recorded in the child's own words and be as near verbatim as possible.
  - e. The listener must take care not to make assumptions about what the child is saying or to make interpretations.
  - f. The member of staff must, on no account, offer suggestions or alternative explanations for the child's concerns.
  - g. A written record of the allegations should be signed and dated by the person who received them as soon as possible.
  - h. All subsequent actions must be recorded in writing.
- 3.4 No promises of **confidentiality** will be made to pupils who make allegations. Instead, they will be encouraged to agree that the matter must be taken further in the knowledge of what this may involve. Whilst acknowledging the need to create an environment conducive to speaking freely, it should be made clear to the pupil by the member of staff that in all cases they have a duty to pass on what the pupil has told them to ensure the protection of child(ren). The pupil should be assured that the matter will only be disclosed to those people who need to know about it. Support may need to be offered by the Trust and the Head Teacher may need to contact external agencies. Consideration will be given at this point as to whether the allegation may be malicious. If it is obvious that the incident could not have taken place or it is reasonable to suspect that the allegation is malicious then further advice by the member of staff should be sought before making any decisions.
- 3.4 A written dated **record of the allegations** must be made as soon as possible, but certainly within 24 hours. If a decision is made to take no further action, a written record of this should be made including the reason for the decision.

### 4 Undertaking an initial assessment

- 4.1 At this stage the Head Teacher (or nominated governor) will urgently consider whether there is sufficient substance in the allegation (anonymous or otherwise) to warrant further action. The checklist in Appendix 3 should be completed to ascertain whether the actions of a member of staff, a member of agency staff or a volunteer meet the criteria set out in the fourth bullet point of paragraph 211 of Keeping Children Safe in Education (KCSIE) 2020.
- 4.2 Even in cases where it does not appear that the pupil has suffered significant harm it is important to act quickly. It is also important to recognise the distinction between establishing whether an allegation warrants further investigation and deciding whether or not an allegation is well founded.

- 4.3 In making this initial assessment, the Head Teacher (or nominated governor where the allegation is against the Head Teacher) will not attempt to conduct an investigation into the allegation, interview pupils or discuss the allegation with the member of staff or agency worker. Instead, the Head Teacher (or nominated governor) must first make an initial assessment of the situation and decide whether the allegation requires further investigation and if so, by whom. However, only in those cases where the allegation is trivial or demonstrably false, will further investigations **not** be warranted.
- 4.4 If a pupil makes an allegation that is considered to be a **potential criminal act** within the scope of the child protection legislation or indicates that they have suffered, are suffering or are likely to suffer significant harm, the Head Teacher (or designated governor) will refer the matter immediately in line with the local child protection procedures. This will either be via direct contact with police or children's social care officers, or the LADO or their representative.

## 5 Making judgements about further action

- 5.1 It is recognised that in some circumstances the allegations will not warrant referral under NSCB procedures. For example:
- a. Where the allegation clearly relates to the use of reasonable force to restrain a pupil in accordance with current guidance and legislation (including new guidance re powers to discipline pupils issued May 2007 - Education and Inspection Act 2006, Part 7; s.550a of the Education Act 1996 and DfES Circular 10/98), it will be appropriate for the Head Teacher to deal with the matter at school level. However, an allegation of assault beyond the use of reasonable force must be dealt with in accordance with the NSCB procedures.
  - b. Where, following initial consideration by the Head Teacher, it is absolutely clear that the allegation is demonstrably false i.e. the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, the matter can be dealt with at school level. However, there may be other issues relating to the pupil's needs which should be addressed in consultation with Children's Social Care or other appropriate agencies.
  - c. The allegation may represent inappropriate behaviour or poor practice by a member of staff which would be considered under the Trust's disciplinary procedures dealing with staff conduct.

## 6 Making a referral to external agencies

- 6.1 Refer:
- a. Where the pupil has suffered, is suffering or is likely to suffer significant harm, there will be an immediate referral to children's social care under the local child protection procedures.
  - b. Where the child has alleged that a criminal offence has been committed within the scope of child protection legislation, a referral to children's social care under local child protection procedures will be made. The police may then decide to carry out a criminal investigation.
- 6.2 Where allegations of abuse are referred to Children's Social Care or the police, subsequent action by all of the agencies involved will be in accordance with the local child protection procedures. This means that any preliminary action to establish the nature of the allegation and to assist consideration of whether it should be investigated will be undertaken in such a way that it does not prejudice any subsequent action. The Trustees expect that there will then be no interference with evidence and, in particular, no member of staff, Governors or Trustees should attempt to interview children about these matters.

- 6.3 In some cases the police may wish to interview the member of staff against whom the allegation is made before any approach is made by the Head Teacher / designated person (or nominated governor in cases where allegations involve the Head Teacher). The police may need to act independently, particularly where the alleged offence does not arise from the individual's professional duties in the school. Police Officers should be given every assistance with their enquiries and, in the interest of the individual and the school, confidentiality must be maintained. The member of staff concerned will be advised and given every opportunity to contact their recognised trade union to enable them to arrange for the appropriate support to be available.
- 6.4 When police are involved, formal interviews with pupils will not normally take place on school premises but, where necessary, provision will be made for these to be held in the presence of a member of school staff of the pupil's own choosing, if appropriate. It is expected that appointments should be made for such interviews to take place at reasonable times.

## 7 Allegations Against a Professional (AAP) meetings

- 7.1 Before a decision is taken about whether any enquiries will be undertaken by the police and/or Children's Social Care, **an AAP meeting** will be held in accordance with the NSCB Procedures. This will usually involve the Head Teacher (or nominated governor where the allegation is against the Head Teacher), the LA's designated officer (or their representative), as well as officers from social care and the police. Other agencies such as health may also be represented as appropriate to the case. The strategy meeting will be convened by Children's Social Care in line with Section 47 of the Children Act 1989.
- 7.2 The purpose of the strategy meeting is to share all available information about the allegation and the alleged victim(s) and perpetrator(s) and to plan what action, if any, needs to be taken and by whom. In particular, the meeting will consider:
- a. whether an enquiry or investigation needs to be conducted;
  - b. the type of enquiries or investigation to be conducted and by whom;
  - c. how such an enquiry or investigation will be conducted and the timeline;
  - d. whether any other children are likely to be or have been at risk in the light of the allegation;
  - e. the implications for the member of staff and the pupil involved;
  - f. whether it may be necessary to review any previous allegations made against the member of staff;
  - g. any appropriate action to be taken by the school in relation to the employee e.g. whether suspension is necessary, levels of information and support to be offered by the employer, whether or not any internal investigation should be conducted.

## 8 Undertaking interviews

- 8.1 Interviews will be carried out as soon as possible. A statement will be taken from each person, signed and dated. The person carrying out the investigation will have access to assistance as necessary to make the record. A suitable venue and time will be selected to encourage co-operation and the opportunity to be accompanied will be offered. At the beginning of an interview, a general explanation of the purpose of the investigation will be provided.
- 8.2 If, at any stage during the investigation, new evidence emerges which suggests that a referral may be necessary under local child protection procedures or to the police, the investigation will be held in abeyance immediately pending the outcome of such a referral. The LA Designated Officer will be consulted immediately if there is concern as to appropriate action to take at this stage. Consideration will also be given as to whether suspension is appropriate in such circumstances. The disciplinary investigation may be resumed unless the responsible child protection agency and/or the police indicate that resumption will interfere with any child protection enquiries or criminal investigations.

## **Interviewing the member of staff who is the subject of an allegation**

- 8.3 The point at which this occurs will depend upon the nature of the allegation and the investigation process. Where it has been agreed that it is appropriate for the member of staff to be informed of the allegation, the member of staff will:-
- a. be strongly advised to contact their trade union for advice and support
  - b. be informed of his/her rights under the school's procedures, including the right to representation
  - c. be informed of the allegations, in writing, and invited to respond and to make a statement.
  - d. be invited to identify any persons who may have information relevant to the investigation. These names will be added to the list of those to be interviewed
- 8.4 Notes will be taken of the interview and the member of staff invited to read and sign them as a true record following the interview.

## **Interviewing children**

- 8.5 The interviews with the complainant will be conducted sensitively with a view to establishing clear statements of fact.
- 8.6 In interviewing children whether as complainant or potential witnesses, care will be taken not to ask 'leading' questions. Open questions will be used e.g. "Did anything unusual happen in class this morning?" Follow up questions may then be used to clarify specific details e.g. Who? What? Where? How? When? Care will also be taken to avoid any potential opportunities for collusion. Pupils will normally, therefore, be questioned individually although in some limited and exceptional circumstances more general and informal techniques may be appropriate.
- 8.7 Pupils will be asked to sign a written statement. Exceptionally, the teacher conducting the investigation may summarise in writing the pupil's verbal account and ask them to sign it as a true account of their statement. The fact that this has been done will be indicated on the statement together with the name and signature of the person who summarised the statement.

## **9 Confidentiality**

- 9.1 Undertakings of confidentiality will not be given to a person making allegations or anyone who is likely to be interviewed. Evidence compiled in the investigation will be made available to the parties in any subsequent disciplinary proceedings or child protection investigation and those giving evidence in the investigation should be so informed.
- 9.2 Children or parents making allegations will be interviewed to record their allegations in the form of signed and dated statements. If these statements are made in the course of an internal investigation then they may be passed to the police, should the matter become the subject of a police investigation. As a matter of good practice, the authors of such statements will be informed of this before the statements are provided to the police. In the case of statements or other evidence made available to the police, the Head Teacher will request that, with the consent of the police and the signatories, these are provided to the Trust as part of a disciplinary investigation.

## **10 Action following an unfounded allegation**

- 10.1 In cases where the Head Teacher, in consultation with the LA Designated Officer and other appropriate agencies, believes that the allegation is without foundation, the following courses of action will need to be considered:
- a. whether the pupil might have been abused by someone else and whether a referral should, therefore, be made under the local child protection procedures to assess the situation;

- b. arrange a meeting to inform the accused member of staff of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. This will be confirmed in writing. The employee may be accompanied by a trade union representative or colleague;
- c. whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take;
- d. inform the parents of the pupil or pupils of the decision not to take any further action;
- e. consider appropriate counselling and support for the pupil or pupils who made the allegation(s) and, where appropriate, their parents. In particular, take into account a pupil's individual needs where a false or malicious allegation has been made;
- f. prepare a confidential report embodying a) to e) above and giving reasons for the conclusion that the allegation is without foundation.

## 11 Action following disciplinary proceedings

- 11.1 At the conclusion of an investigation which has resulted in disciplinary proceedings being taken against the member of staff, the following action will normally be taken:
- a. The pupil or pupils who made the allegations and their parents / carers will be advised that appropriate action has been taken in line with Trust procedures. The parents / carers will not be entitled to any details about the governors' deliberations and the information taken into account when making their decision. This information will normally be conveyed prior to the employee's return to school if he or she has been suspended;
  - b. Appropriate counselling and support may be offered to the child before the member of staff returns to school. In particular, this will take into account a pupil's individual needs where a false or malicious allegation has been made and the school may need to consider appropriate sanctions.

## 12 Review

At the conclusion of the process the Head Teachers, Governing Bodies and Trustees may consider whether there are any general matters arising from it which could warrant a review of school procedures. This may also include specific training needs of staff along with implications for all staff, pupils and their parents and/or consideration of any concerns of pupils or staff, especially where false allegations have been made. The publication of any such information to Trustees, Governors, staff or other interested parties will preserve confidentiality about the employee and the children involved in the investigation.

## Keeping Children Safe in Education 2020 – Part 4

### Paragraph 211 checklist

This document should be used when determining whether the actions of a member of staff, a member of agency staff or a volunteer meet the criteria set out in the fourth bullet point of paragraph 211 in that the individual behaved or may have behaved in a way that indicates they may not be suitable to work with children.

This checklist is not intended to replace the Trust's disciplinary process, but to aid decision making.

<b>Name of individual</b>	
<b>Job role</b>	
<b>Allegation/concern/conviction (give brief description)</b>	
<b>Date of allegation/concern/conviction</b>	
<b>Date of your assessment</b>	

<u>Area of discussion</u>	<u>Summary of response</u>
<b>LADO Advice (date, name of contact and advice given)</b>	
<b>Initial consideration to any policy breaches (ICT, Code of Conduct, Substance misuse, Teacher standards etc)</b>	
<b>Initial evidence</b>	
<b>Individual's response to allegation/concern/conviction (have they been open and honest, did they come to you with the issue etc)</b>	
<b>What was the 'trigger/cause' of the concern/allegation/conviction (including any extenuating circumstances)</b>	

<b>Relevance of allegation/concern/conviction to individual and school setting</b>	
<b>Could the above 'trigger/cause' occur in a school setting?</b>	YES / NO
<b>Is the allegation/concern/conviction being formally investigated under disciplinary procedures</b>	YES / NO

<b>Based on the above evidence and advice taken, do you believe the employee:</b>  behaved or may have behaved in a way that indicates they may not be suitable to work with children?	<b>YES / NO</b>
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<b>Decision made by:</b>	Name	
	Position	
<b>Signature:</b>		
<b>Advised by:</b>	Name	
	Position	
<b>Review date:</b>		

## 1.0 General Standards of Conduct

- 1.1 The Trustees expect the conduct of all staff working in the Trust to be of the highest standard and that all staff are aware of their duty to:
- a. maintain conduct in keeping with the interests and standards of the Trust;
  - b. be honest, trustworthy and beyond the reach of suspicion and dishonesty;
  - c. maintain at all times a high standard of integrity and conduct;
  - d. not put his/her private interest or those of relatives or friends before his/her duty to the Trust;
  - e. not use his/her position to further private interests or those of relatives or friends;
  - f. faithfully perform the duties specified in his/her contract of employment, to observe Trust policies, values and regulations.
- 1.2 Teachers are also subject to the framework of professional standards established by the DfE, which require registered teachers to:
- a. Put the wellbeing, development and progress of children and young people first;
  - b. Take responsibility for maintaining the quality of their teaching practice;
  - c. Help children and young people to become confident and successful learners;
  - d. Demonstrate respect for diversity and promote equality;
  - e. Strive to establish productive partnerships with parents and carers;
  - f. Work as part of a whole school team;
  - g. Co-operate with other professional colleagues;
  - h. Demonstrate honesty and integrity and uphold public trust and confidence in the teaching profession.
- 1.3 Teachers will also be subject to the East Midlands Education Trust Professional Teacher Standards relevant to their role in the Trust.
- 1.4 Under the Education (Prohibition from Teaching or Working with Children) Regulations 2003, cases relating to safety and welfare of children may need to be referred to the Secretary of State. The Trust will ensure that all staff are made aware of these and any other relevant standards relating to the conduct of Trust staff, for example restraint procedures, searching and screening of pupils etc.

## 2. Gross Misconduct

- 2.1 Gross misconduct will normally result in dismissal after the appropriate hearings. This will be without notice. Acts which constitute gross misconduct are those resulting in a serious breach of contractual terms. It is not possible to specify all possible or potential acts of gross misconduct but they may include:
- a. Theft, fraud and deliberate falsification of records.
  - b. Falsification of examination papers or assessment data.
  - c. Physical violence.
  - d. Bullying or harassment.
  - e. Improper conduct with children and young people.
  - f. Deliberate damage to property.
  - g. Refusal of a reasonable instruction.
  - h. Misuse of the Trust's property or name.
  - i. Bringing the Trust into serious disrepute.
  - j. Incapability whilst on duty as a result of the use of alcohol or illegal drugs.
  - k. Negligence, including negligent omissions, which causes or might cause unacceptable loss, damage or injury.
  - l. Infringement of health and safety rules.
  - m. Breach of confidence (subject to the Public Interest (Disclosure) Act 1998).
  - n. Coercion of others to commit acts of gross misconduct.
  - o. Responsibility for a data breach.