



## **1. Introduction**

1.1 The purpose of this policy is to help and encourage all employees to achieve and maintain standards of conduct. The aim is to ensure consistent and fair treatment for all employees in Windsor Academy Trust (WAT).

### **1.2 Definitions:**

Chief Executive means the Chief Executive of WAT.

Headteacher refers to all or any of the Headteachers or any of the academies within WAT or other senior manager delegated to deal with the matter by Headteacher.

Leadership Team refers to any member of the Leadership Group as defined by the School Teachers' Pay and Conditions Document, or a senior member of staff with responsibility for support staff.

Board of Directors/Directors means the Directors of WAT.

Companion refers to a person chosen by the employee to accompany them, who shall be a trade union representative or a workplace colleague.

### **1.3 Roles and Responsibilities**

The following roles and responsibilities will usually apply during this policy but may be varied or adapted to meet the circumstances as determined by the Chief Executive.

Investigating Officer means: either be a member of the Leadership Team, the Chief Executive (or nominated person), or a Director. An external person may also be appointed as an Investigating Officer.

Disciplinary Officer means: the Headteacher, the Chief Executive (or nominated person) or a Director.

Appeals Panel means: the Chief Executive, or panel of up to three

## **Directors. 2. General Principles**

2.1 Examples of the type of conduct that is considered to be misconduct or gross misconduct, which could lead to action under this policy, are set out in Appendix A.

2.2 This policy is non-contractual and applies to all employees of WAT. It does not apply to agency workers or contractors.

2.3 This policy may be implemented at any stage, as set out below, taking into account the alleged misconduct of an employee. Employees will not normally be dismissed for a first act of misconduct, unless it is decided that it amounts to gross misconduct or are within their probationary period.

2.4 The employee is entitled to be accompanied by a companion to any meetings held under the formal procedure.

## **Part A – Informal Procedure**

### **3. Informal Action**

3.1 Management advice may be given to the employee by a member of the Leadership team. Informal action will be considered, where appropriate, to resolve problems. This may for example include additional training, coaching, mentoring and/or advice. Action will be



statement that any further complaint or misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, may lead to a final warning or dismissal, unless there are mitigating circumstances.

5.1.2 If a further complaint or concern is made about the employee's conduct within twelve months of the date of the first written warning when it remains live, the same procedure (as in 4 above) will be followed.

## **5.2 Final Written Warning**

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

## **5.3 Dismissal**

If a further complaint or concern is received before the final written warning has expired, the complaint will be referred to a hearing before the Disciplinary Officer, following the same procedure to that in section 4 above.

If the Disciplinary Officer decides the complaint is justified, they may decide to dismiss the employee. The Disciplinary Officer will state their decision and the reasons and inform the employee of their right to appeal to the Appeals Panel. The Disciplinary Officer will confirm the decision and right of appeal in writing to the employee (and their companion) as soon as possible and normally within 5 working days of the hearing. The Disciplinary Officer will record the outcome of their considerations and the names of persons present at the hearing.

The Disciplinary Officer will confirm in writing to the employee that they are dismissed, whether the decision was with or without notice, or with pay in lieu of notice, the effective date of dismissal.

## **6. Gross Misconduct**

6.1 If the complaint or concern is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice, the employee may be informed that s/he is suspended on full pay pending further investigation. Suspension may also be necessary in other circumstances e.g. where the employee would be able to access evidence, influence witnesses, or where the s(f)-3(th e)-3(n)-3(ce)-e(.)9be a risk to others.

6.2 Where the suspension has taken place, the employee will be suspended on full pay. The suspension will be reviewed p-3(th i)5(o)-3(d)-3(ically)12( (n)-2(o)-3(rm)-3(a)-3(II)4(y)10( e)-5(v)10(

7.5 All appeal hearings will be held as soon as practicably possible after receipt of the appeal.

7.6 The outcome of the appeal will be confirmed in writing as soon as possible and usually within 5 working days of the hearing. There is no right of further appeal against such a decision of the Appeal Panel.

7.7 Where the Appeals Panel overturns a decision to dismiss or to issue a written warning, they may substitute a lesser sanction. There is no right of appeal against such a decision of the Appeals Panel.

7.8 In the event that the Appeal Panel decides not to uphold the decision to dismiss, the notice of dismissal shall be immediately withdrawn or reinstated without loss of pay.

## **8. Variation in Disciplinary Action**

8.1 If appropriate, the Disciplinary Officer may decide to take informal action (as in Part A above) instead of giving a first written warning.

8.2 The Disciplinary Officer may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.

8.3 Rather than dismiss, the Disciplinary Officer may decide to issue no sanction or a lesser sanction.

## **9. Trade Union Representatives**

9.1 Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. The matter will be discussed at an early stage with an official employed by the union, after obtaining the employee's agreement.

## **10. Confidentiality**

10.1 All employees subject to disciplinary investigations or proceedings must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Only the decision of a disciplinary hearing, following appeal may be reported.

10.2 All records will be retained in line with WAT's Int

