EBOR ACADEMY TRUST

Policy Number

22a

Disciplinary Policy

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1. PURPOSE OF THIS POLICY AND PROCEDURE

1.1 This policy and procedure is to help and encourage all employees of Ebor Academy Trust to achieve and maintain the required standards of conduct as outlined in its Staff Handbooks and various policies, to promote best practice in employment and to ensure consistency and equity in its approach towards the management of cases where breaches are alleged to have taken place.

1.2 The Trust recognises that the aim of this policy is to improve the employee's conduct, rather than being merely punitive, and this should be reflected in how cases will be dealt with. This procedure should be used to help find an appropriate resolution for all conduct issues; it is not appropriate for dealing with the following, which are managed using separate procedures:

a) Capability due to poor performance;
b) Long or short term absence and ill health retirement;
c) Redundancy;
d) Dismissals for legal restrictions, e.g. introduction of a new requirement/qualification for a post;
e) Dismissal for other substantial reasons, e.g. ending of a fixed term contract.

1.3 This disciplinary procedure follows the ACAS code of practice on Disciplinary and Grievance procedures (Updated March 2015).

2. SCOPE AND PRINCIPLES

2.1 This policy and procedure applies to all employees of the Trust, except employees in their probationary period. The principles of the Disciplinary Policy and Procedure are set out below. It is the Trust's policy to ensure that:

a) Disciplinary action should only be considered where normal line management action has either failed to achieve the required standards or would be inappropriate in the circumstances. Managers are able to take informal action where standards of conduct give cause for concern, draw deficiencies to the attention of the employee and indicate that formal disciplinary action will be considered if standards do not improve. This action is outside the formal stage of the disciplinary procedure. Employees are supported and encouraged to maintain good standards of conduct and behaviour.

b) This procedure aims to ensure all employees are treated fairly, consistently, impartially, promptly, reasonably and applied without discrimination.

c) Disciplinary issues should be dealt with promptly and without unreasonable delays; however, due consideration should be given to the complexity of the case, preparation time for the employee and the availability of representation. The employee will be kept updated throughout the procedure regarding timescales and potential next steps.

d) Employees have the legal right to be accompanied by a trade union representative or work colleague at Disciplinary Hearings and Disciplinary Appeal Hearings. The Trust extends this right to all formal meetings of the Disciplinary Procedure e.g. investigatory interviews. The accompanying

representative has a statutory right to address the hearing or meeting but no statutory right to answer questions on the employee's behalf.

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e) All documentation and information relating to the allegation of misconduct will not be distributed to any parties not involved with the process. Any information relating to a case will be kept in accordance with Data Protection legislation and any breach of confidence may be treated as a disciplinary case of misconduct.

f) The employee will be given a full explanation of the allegation(s), in writing, from the outset of the procedure and this may be clarified at any stage.

g) At all formal stages of this policy the employee has the right to appeal. The appeals will be heard in an appeal hearing by representatives of the Governing Body that have previously had no involvement with the case.

h) Audio/ visual recordings of the proceedings by the employer, the employee or their representative are not acceptable at any stage of this process unless with the prior consent of all parties. Conversely the use of surveillance evidence submitted as part of the case must comply with the organisation's surveillance policy and ICO guidance.

i) The disc