

Disciplinary Policy

Aims and Values

Basingstoke Alliance SCITT is committed to being a fair and reasonable training provider. It recognises that instances may arise in which Trainers are dissatisfied with the conduct of a Trainee and that in such cases there is a need for a formal procedure through which the issues can be identified without delay and appropriate action taken in a consistent and non-discriminatory manner.

The day to day supervision of Trainees is part of the normal management process and is outside the formal procedure for dealing with breaches of discipline. There is likely to be less recourse to the formal procedure if deficiencies in a Trainee's conduct are brought to his/her attention at the earliest possible stage by his/her immediate Trainer in the course of that person's normal duties. The Executive Board intend that informal measures are adopted wherever possible.

The object of the formal procedure is to provide a framework to deal with Trainees whose standard of conduct continues to fall short of that required by Dove House School Academy's Code of Conduct. Where possible, and or appropriate, issues will be dealt with informally, in consultation with any other personnel and/or schools concerned.

This procedure accords with employment and education legislation and takes due account of the Hampshire County Council's disciplinary procedures. In essence the Code requires that:

- Trainees and Trainers raise and deal with matters promptly and consistently
- Necessary investigation is carried out
- The Trainee is informed and given the opportunity to put forward their explanation of events before decisions are made
- Trainees are able to be accompanied at all formal meetings

This Procedure is applicable to all Trainees. While the principles of reasonableness and natural justice reflected in the Procedure will apply, it may be necessary to foreshorten the Procedure, its processes and relevant timescales in keeping with the particular nature of their contract.

Where misconduct relates to a child protection issue, Hampshire County Council's disciplinary procedures must be followed. Reference will also be made to the SCITT's Code of Conduct policy and the Lead School's Safeguarding Policies.

Disciplinary Rules

The types of issue that could result in disciplinary action being taken are outlined in Appendix A.

Leadership and Management

Basingstoke Alliance Programme Manager is responsible for:

- defining and communicating disciplinary rules;
- ensuring that systems are in place so that minor deficiencies in conduct are dealt with effectively without recourse to the formal procedure;
- ensuring that appropriate disciplinary procedures are in place, are monitored and reviewed regularly and are implemented in a fair and consistent manner;
- suspending Trainees where appropriate;
- establishing, where appropriate, disciplinary and appeals committees;
- ensuring that Trainees are aware of disciplinary rules and procedures and dealing with any minor deficiencies in conduct at the earliest stage through normal day to day supervision.

The BASCITT Administrator is responsible for ensuring that appropriate pre-course checks are carried out.

It is the responsibility of all **Trainees** to:

- sign and comply with general rules and procedures referred to in their Code of Conduct,
- comply with SCITT disciplinary and other procedures and to co-operate with the processes contained therein.

Procedures

The disciplinary procedures will be managed by the BASCITT Programme Manager in consultation with the Head of the Lead School:

- Stage 1: Informal
- Stage 2: Formal. The Trainee is informed of a second meeting when notes are taken.
- Where the BASCITT Programme Manager recommends a disciplinary sanction, Disciplinary Committee will be formed according to the Terms of Reference. The Disciplinary Committee will adjudicate on the matter.
- The Trainee will be notified of the date, time and venue of the meeting, giving ten working days notice. They will be informed by letter of the reason for the need for such a meeting.

(All appeals will be heard by an Appeals Committee, as in the Appeals Policy.)

A Trainee is entitled to be accompanied by a union/professional association representative, colleague, friend or other appropriate person, at all formal meetings, hearings and appeals. The Trainee must make his/her own arrangements for this and inform the Professional Development Director. Such representatives should make themselves available to accompany the Trainee within a reasonable period of time. If, however the Trainee's chosen representative is not available, for a reason that was not reasonably foreseeable at the time proposed for any meeting/hearing, one alternative date will be set, normally no later than five working days from the original date.

Investigations

Where a Trainee's conduct is called into question the BASCITT Programme Manager (investigating officer) will conduct such investigations as s/he may consider necessary. The purpose of the investigation is to gather sufficient information to determine whether or not the matter needs to be pursued formally at a disciplinary hearing. Where appropriate, the Trainee

will be given ample opportunity to state his/her case and the investigation may involve interviewing witnesses, other relevant parties and taking statements.

All reasonable effort will be made to complete the investigation without delay.

If, following the investigation, the BASCITT Programme Manager considers that disciplinary action is necessary s/he will arrange for this to be undertaken, in accordance with the Terms of Reference for the Disciplinary Committee.

Formal disciplinary action will not be taken against a Trainee without prior investigation, other than in exceptional circumstances.

Where a Trainee admits an allegation, it may not be necessary for the investigating officer to carry out a lengthy investigation. Any hearing in these circumstances would be to consider the allegation, the Trainee's admission and any mitigation they wish to put forward.

It will be open to a Trainee to accept a proposed disciplinary sanction without being subject to the full normal Procedure. This is called an 'agreed outcome'.

In certain circumstances, the investigating officer may conclude that formal disciplinary action is not necessary but that professional advice should be given to the Trainee. This will be in the form of a letter of expectation which will be placed on the Trainee's file indefinitely.

Suspension, whilst investigations are ongoing

Suspension may be effected normally only where:

- there is a risk to others within the partnership;
- the allegations are so serious that dismissal for gross misconduct would be a possible outcome
- allowing the Trainee to remain on the course could hinder the investigatory process.

Only the Chair BASCITT Programme Manager has the power to suspend a Trainee. Suspension can only be ended by the Chair of Management Board.

Disciplinary Hearings

If after investigation, the investigating officer considers that a formal sanction or dismissal is appropriate, s/he will refer the matter to a formal hearing. Disciplinary hearings will be carried out without delay.

The Trainee will be given at least ten working days' notice, in writing, of the date, time and place of any disciplinary hearing. When given this notice, the Trainee will be:

- (i) informed of the nature and details of the alleged misconduct;
- (ii) informed of his/her right to be accompanied at the hearing by a representative (see above) and of his/her right to call witnesses;
- (iii) supplied with a copy of the investigating officer's written report which is to be considered at the hearing, including any witness statements;
- (iv) given an indication of the possible disciplinary penalty which could be imposed if the allegations were found to be substantiated, e.g. a formal warning or dismissal from the course;
- (v) informed who will conduct the hearing and the name of the presenting officer (appointed representative of the Management Board), including any advisers either party may have and the names of any witnesses* to be called;

(vi) given a copy of the BASCITT disciplinary procedure.

Not later than three working days before the hearing the Trainee:

- (i) must supply the name and status of his/her representative;
- (ii) must supply the names of any witnesses* s/he intends to call and an outline of the evidence they will give;
- (iii) may submit a written statement or other supporting written evidence if s/he wishes, either direct or through his/her representative.

* Both the BASCITT Programme Manager and the Trainee should give careful consideration to whom they call as witnesses, limiting the numbers to the minimum necessary to support their case.

At the hearing the Trainee and/or his/her representative and the person presenting the case may:

- (i) address those conducting the hearing;
- (ii) be questioned by the other party and by those hearing the case, on the statements made by them and on any evidence they have submitted;
- (iii) question the other party on any relevant aspect of his/her evidence;

Witnesses called by either party may be questioned by the other party and by those hearing the case.

An opportunity will be given at the end of the process for both parties to make a summary statement of their case. The Trainee or his/her representative will have the right to speak last.

Trainees are required to take all reasonable steps to attend hearings. Hearings may be re-arranged once where either party or their representatives are unable to attend for a reason that was not reasonably foreseeable. Where a Trainee fails to provide good reason for non-attendance, those hearing the case will make a decision about whether or not to proceed.

Timing/location of meetings/hearing

Where possible and appropriate, timings of meetings and hearings will be agreed with the Trainee and his/her representative and will normally take place during the working day.

Where possible meetings and hearings will be held at a mutually convenient location, which meet any special needs of attendees, which may sometimes be away from the BASCITT Centre where this is considered to be appropriate.

Possible outcomes of hearing

Where those hearing a formal disciplinary case conclude that there is sufficient evidence to support the allegation(s), they may apply an appropriate sanction, including dismissal. Any decision of the hearing will satisfy the test of reasonableness in all the circumstances and any sanctions will be proportionate to the nature of the misconduct. The following mitigating circumstances will be considered:

- the Trainee's disciplinary and general record;
- any explanation or mitigation put forward by the Trainee;
- any action taken in similar situations;
- any other relevant factors.

Depending on the circumstances, disciplinary action could take the following forms:

- i) Written warning e.g. where there has been a failure to conform to standards
- ii) Final written warning e.g. where there is further misconduct or the misconduct is considered to be sufficiently serious.
- iii) Dismissal with notice e.g. where conduct has failed to improve following previous warning(s).
- iv) Summary dismissal e.g. where an act of gross misconduct has been committed.

Warnings will set out the:

- nature of the misconduct and expectations of future conduct
- length of the warning
- consequences of future misconduct.

The validity of disciplinary warnings will be considered to run for the duration of the course provided that no further warnings have been issued and no disciplinary action has been taken against the Trainee during that period. Exceptions are set out below. Expired warnings will generally be disregarded in the event of any future disciplinary action (although a record of the warning will not be removed from the personal file) but the fact that there is an expired warning may explain why the Management Board does not substitute a lesser sanction.

Notification of outcome of disciplinary hearing

Where possible the decision of the hearing will be notified verbally to the Trainee at the end of the hearing. In any case the Trainee will be issued with a written notification of the outcome within five working days of the hearing. In case of dismissal, this letter will contain notice, where appropriate, of dismissal. This may be rescinded subsequently on appeal. Trainees will be asked to sign a copy of such notifications to confirm that they have received and understood them.

Appeals – as in Appeals Policy

Records

Notes of hearings and meetings with the Trainee will be taken and shared with him/her.

Details of any formal disciplinary action, including any warnings will be retained on the Trainee's personal file.

Letters of expectation are not disciplinary sanctions and will remain on the Trainee's personal file indefinitely.

If an investigation or hearing concludes that an allegation is totally unsubstantiated, all records will be removed from the Trainee's personal file. The only exception would be where the allegation relates to safeguarding issues.

Details of any ongoing disciplinary action and/or sanctions, and in the case of safeguarding matters and gross misconduct, expired warnings will be referred to in any reference requested. Only such information as has been discussed with the Trainee will be referred to.

Grievances

If a Trainee raises a grievance during the course of the disciplinary procedure, related to the case, the grievance will normally be dealt with as part of the formal disciplinary hearing/appeal process. If appropriate, given the nature of the grievance, the disciplinary process may be temporarily suspended in order to deal with the grievance.

Appendix A – Disciplinary Rules

Trainees need to be aware of the standards required from them in the course of their normal day to day duties and the possible consequences of any failure to adhere to maintain these standards. Listed below are the types of issues which could result in disciplinary action being taken.

Misconduct of a minor, or serious nature may result in a written warning being issued. Acts of gross negligence, or cumulative or repeated acts of misconduct may lead to dismissal with notice.

Gross Misconduct is defined as misconduct of such a serious nature that BASCITT is justified in no longer tolerating the Trainee's continued presence on the course. An allegation of gross misconduct will normally lead to suspension, pending an investigation and to summary dismissal (i.e. dismissal without notice) where the allegations are substantiated. There may be situations where misconduct which would normally lead to summary dismissal may warrant less serious action. Similarly, there may be situations in which misconduct which would not normally lead to summary dismissal warrants such action.

Misconduct

Examples of misconduct where a form of warning may be issued, or where cumulative or repeated acts could lead to dismissal are as follows:

- Attendance and Time-keeping
 - continuing failure to comply with attendance and time-keeping requirements
 - continuing failure to follow procedures for booking and returning from leave
 - absenteeism and unauthorised absence from the course
- Behaviour
 - breach of confidentiality relating both to the BASCITT and / or information held within placement schools
 - refusal or failure to follow a legitimate management instruction
 - inappropriate behaviour or abuse of authority towards a colleague or member of the public or person in the care of BASCITT
 - insubordination
 - failure to comply with BASCITT's equal access to opportunities policy
 - Any posting that causes damage to BASCITT and or Partnership schools, any of its employees or any third party's reputation may amount to misconduct or gross misconduct which could result in dismissal.
 - conduct on the course which is likely to offend decency
 - conduct which could bring BASCITT into disrepute
 - refusal to comply with BASCITT's no-smoking policy
 - negligence in the performance of duties
 - misuse of BASCITT facilities
 - abuse of BASCITT policies
- Poor Working Practices
 - failure to maintain proper records

- failure to follow BASCITT procedures e.g. financial regulations, standing orders
- failure to comply with health and safety requirements
- General
 - misconduct in relation to official documents e.g. destroying or mutilating records kept or required for the purposes of BASCITT or altering/erasing or adding to entries in any such document without legitimate reason
 - neglect of health e.g. committing an act or adopting conduct which may impede recovery and return to the course whilst absent due to sickness
- Any other act of misconduct of a similar gravity

Gross misconduct

Examples of misconduct which will normally be regarded as gross misconduct are:

- Unauthorised removal of BASCITT property
- Stealing from BASCITT, its governors, its Trainees, its Partnership schools or the public and other offences of dishonesty
- Sexual offences
- Breaches of the BASCITT's Inclusion policy, including serious acts of harassment, discrimination or verbal abuse against employees, clients or members of the public on grounds of race, sex, disability or religious belief or any other grounds
- Fighting / Physical assault
- Harming pupils in breach of child protection/safeguarding regulation and policy and Abuse of Trust
- Falsification of absence of leave forms, sickness self-certification sickness forms
- Offences which seriously threaten the security of the BASCITT's clients, members of the public, employees or property or which seriously damages public confidence in the BASCITT
- Deliberate misuse of data protection information and/or deliberate interference with computerised information
- Falsification of qualifications which are a stated requirement of entry onto the course
- Malicious damage to BASCITT's property
- Serious breaches of Health and Safety legislation and/or the BASCITT's Health and Safety Policy e.g. intentional or reckless interference with or misuse of anything provided by the BASCITT in the interests of health and safety.
- Serious drug/alcohol related offences
- Serious breaches of the BASCITT's policy on use/misuse of the internet/data records
- Serious breaches of the BASCITT's Code of Conduct
- Failure to disclose any relevant criminal offences prior to starting the course and any criminal convictions which occur during the course
- Any other act of misconduct of a similar gravity

The above lists are neither exclusive nor exhaustive and there may be actions which do not appear above but may nevertheless be the subject of disciplinary action.

In determining the seriousness of the misconduct, particular regard will be given to the circumstances of the individual case. Factors which can influence a decision as to the seriousness of the offence may include:

- the type, degree and frequency of the misconduct
- the consequences arising from the misconduct

Careful consideration will be given to the above factors in each case. What is regarded as misconduct in some cases may, in others, depending on the circumstances, be regarded as gross misconduct.

It is impossible to list every type of action which would result in disciplinary action being taken. The above lists are to give Trainees an understanding of the type of act which would result in disciplinary action and of the consequences of such acts.

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