



**Holy Cross Catholic
Multi Academy Company**

DISCIPLINARY POLICY AND PROCEDURE

September 2023 - September 2026

Responsible for Policy	Marina Kelly
Board Approval Date	11 September 2024
Posted on Website	16/09/2024
Sent out to Schools	16/09/2024
Date of Policy Review	September 2027 (or as updated and advised by CES)

Document control

Version History

Version	Status	Date	Author	Department	Summary of Changes
1.0	Approved	2 Sept 2020	JP	HCCMAC, Central Team	CES Model Policy presented to Board for approval
2.0	Draft	July 2024	JP	HCCMAC, Central Team	MAC policy checked to ensure compliance with latest CES document and model letters added to appendices. No CES policy update since 2022 – no update to letters since 2020. Board Resolution to amend Section 7 and Table in Section 4.1 – KA wording.
2.1		September 2024	JP	HCCMAC Central Team	Policy amended and presented to MAC Board September 2024.

Holy Cross Catholic MAC

Our Mission

Our school communities are united as the family of God to provide an outstanding Catholic education for all our pupils. With Christ at the centre of all we do, we will inspire every child to be the best person they can be by developing their God given gifts and talents.

Our Aims

High aspirations for all

Outstanding education - To create an ethos of collective responsibility, through which we will promote achievement and improve pupil performance

Living out Gospel values and celebrating the Catholic ethos in all our schools with reconciliation and peacefulness at the heart of all we do

Young people – who are resilient and make a positive contribution to their diverse and changing communities

Community - strengthening and nurturing the Catholic life of our schools

Realising talent by developing pupils, staff, school representatives and Directors for the benefit of the Holy Cross community

Optimising our resources to realise best-value by sharing assets and using economies of scale

Standards - To maintain the highest quality of Catholic education by ensuring accountability at all levels

Service to God by serving others in our school and local communities and national and international communities in need.



Achieving together in faith

Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

Signed by the Chair of the Multi Academy Company Board: John Teahan

Signed by Catholic Senior Executive Leader: Marina Kelly

DEFINITIONS

In this Disciplinary Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. **‘Holy Cross Catholic Multi Academy Company’** means the Multi Academy Company (MAC) named at the beginning of this Capability Policy and Procedure and includes all sites upon which the MAC undertaking is, from time to time, being carried out.
- ii. **‘Holy Cross Catholic Multi Academy Company’** means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the MAC.
- iii. **‘Board’** means the board of Directors of the Multi Academy Company (and includes, where applicable, a Committee of the Board, other than a Local Governing Body).
- iv. **‘Chair’** means the Chair of the Board or, where applicable, Chair of the Local Governing Body of the relevant school.
- v. **‘Catholic Senior Executive Leader’** (CSEL) means the person appointed to carry out the function of the Academy’s chief executive office at any relevant time and has responsibility for performance of all Holy Cross Catholic MAC schools and staff within the MAC and is accountable to the Board of Directors.
- vi. **‘Central Management Team’** means the CSEL and other employees of the MAC who are not employed to work in any specified School.
- vii. **‘Clerk’** means the Clerk to the Board or the Clerk to the applicable Local Governing Body, as the case may be.

- viii. **‘Companion’** means a willing work colleague, or a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Sickness Absence Policy and Procedure.
- ix. **‘Diocesan Schools Commission’** means the education service provided by the Archdiocese of Birmingham in which the Academy is situated, which may also be known, or referred to, as the Diocesan Education Service.
- x. **‘Directors’** means directors appointed to the Board from time to time.
- xi. **‘External Adviser’** means a suitably skilled and/or experienced person who is appointed by the Governing Board* Board to support the MAC Board in the appraisal of the CSEL and Headteachers in accordance with this Appraisal Policy and Procedure. The External Adviser must be familiar with the particular needs of a Catholic voluntary academy e.g. in relation to the development of a Catholic academy’s ethos and should be independent of the Headteacher.
- xii. **‘*Governing Board’** means the body carrying out the employment functions of the Multi Academy Company. In this instance, the Governing Board is Holy Cross Catholic MAC Board of Directors, the employer for all MAC staff.
- xiii. **‘Headteacher’** means the most senior Teacher in the Academy who is responsible for its management and administration. Such Teacher may also be referred to as the Head of School or Principal.
- xiv. **‘Link Director’** means, in relation any School, a Director appointed by the Board to attend meetings of, and liaise with that School’s Local Governing Body, its head teacher and provide Director-level support to that school.

- xv. **‘Local Governing Body’** (LGB) means the Governing Body of a school who are Governors appointed and elected to carry out specified functions in relation to the school as delegated by the Governing Board.
- xvi. **‘Local Governing Body Members’** means the governors appointed or elected to the Local Governing Body from time to time.
- xvii. **‘Misconduct’** means any action or inaction which contravenes the provisions of the employee’s contract of employment, the rules laid down by the Multi Academy Company and/or any Professional Code of Conduct and Practice. In such cases the Disciplinary Policy and Procedure will apply and the Capability Policy and Procedure may also apply.
- xviii. **‘School’** means a school comprised in the Academy.
- xix. **‘Standards’** means the Teachers’ Standards published by the DfE in July 2011 as amended from time to time and, as appropriate, the National Standards of Excellence for Headteachers published by the DfE in January 2015 as amended from time to time.
- xx. **‘Teacher’** means a teacher employed by the Multi Academy Company to work at the Academy and, where the context so admits, includes the Headteacher.
- i. **‘Vice-Chair’** means the Vice-Chair of the Board as elected from time to time.
- ii. **‘Working Day’** means any day on which you would ordinarily work if you were a full-time employee. In other words, ‘Working Day’ may apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Appraisal Policy and Procedure.
- iii. **‘Working Week’** means any week that you would ordinarily work.

- iv. **‘Working Day’** means any day on which you would ordinarily work if you were a full-time employee. In other words, ‘Working Day’ will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Appraisal Policy and Procedure.

- v. **‘Working Week’** means any week that you would ordinarily work.

1. SCOPE

- 1.1 This Disciplinary Policy and Procedure applies to you if you are an employee or worker at the MAC (hereinafter referred to as an “employee” or “you”).
- 1.2 The purpose of this policy is to provide a structure to address any issues or concerns that the Multi Academy Company may have relating to an employee’s conduct.
- 1.3 An employee is entitled to have access, by arrangement, to their personnel file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- 1.4 The Multi Academy Company delegates its authority in the manner set out in this policy.
- 1.5 There may be some occasions where an employee’s lack of capability could also be described as lack of competence. This Disciplinary Policy and Procedure and the Multi Academy Company’s Capability Policy and Procedure may be used concurrently whilst the Multi Academy Company endeavours to ascertain if the employee’s lack of capability is due to Misconduct, (for example, where the employee is capable of reaching the required standard but has taken active steps not to do so), or lack of competence.
- 1.6 There may be occasions where an employee’s conduct could relate to their health. This Disciplinary Policy and Procedure may be used concurrently with the Multi Academy Company’s Sickness Absence Policy and Procedure. In particular, if an employee is absent from work on sick leave following this Disciplinary Policy and Procedure being invoked, the Multi Academy Company may use its Sickness Absence Policy and Procedure if it is appropriate in the specific circumstances. The process of managing unsatisfactory behaviour using this Disciplinary Policy and Procedure will not necessarily cease where the employee is absent on the grounds of illness.
- 1.7 Subject to Paragraphs 1.5(a) and (b) of the Multi Academy Company’s Grievance Resolution Policy and Procedure, there may be occasions when an employee brings a grievance pursuant to the Multi Academy Company’s Grievance Resolution Policy and Procedure in connection with actions taken under this Disciplinary Policy and Procedure. This shall not lead to any automatic delay or

pause in the conduct of any matters under this Disciplinary Policy and Procedure. In such circumstances, the employee and the Headteacher, or in the case where the disciplinary matter relates to the Headteacher, the Chair, will meet to discuss whether or not the Disciplinary Policy and Procedure should be suspended whilst the grievance is dealt with. The final decision as to whether or not to suspend the Disciplinary Policy and Procedure in such circumstances will be taken by the Headteacher or the Chair (as appropriate) and their decision shall be final.

- 1.8 There may be occasions where this procedure needs to be modified, for example to comply with the requirements of the Multi Academy Company's Child Protection and Safeguarding Policies, for example, by allowing the Local Authority Designated Officer to offer advice to the Board at appropriate stages or where an employee has a disability which means that reasonable adjustments need to be made to this procedure. Where the Multi Academy Company's Child Protection and Safeguarding Policies are invoked, this Disciplinary Policy and Procedure may be suspended until such time as the Multi Academy Company determines, in its sole discretion, that it is appropriate to resume it.
- 1.9 The Multi Academy Company is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this Disciplinary Policy and Procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Multi Academy Company community [which includes all of the schools in the Multi Academy Company].
- 1.10 This Disciplinary Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge of self and others, personal growth and openness.
- 1.11 The Multi Academy Company's Appraisal Policy and Procedure and Capability Policy and Procedure do not form part of this Disciplinary Policy and Procedure but relevant information from the appraisal and/or capability process, including Appraisal Reports, may be taken into account in relation to the operation of this Disciplinary Policy and Procedure.
- 1.12 The management of disciplinary issues and related investigations will be treated in confidence as far as possible by all parties involved at all stages of this Disciplinary Policy and Procedure.

- 1.13 The Multi Academy Company will maintain records of all interviews and reviews which take place under this Disciplinary Policy and Procedure for a period of up to 12 months or longer where necessary and where there is an applicable lawful basis under the GDPR for extending the retention period. All data and evidence collected is to be shared between all the relevant parties, including the employee, where there is an applicable lawful basis under the provisions of the GDPR.

2. INFORMAL ADVICE AND GUIDANCE

- 2.1 Sometimes potential disciplinary issues can be resolved informally in the workplace. This involves drawing the employee's attention to the perceived unsatisfactory conduct, discussing the situation and agreeing an appropriate way forward including any improvement required.
- 2.2 Your line manager may give you informal advice and guidance at any time about any conduct falling short of the standard expected and in many cases the right word at the right time and in the right way may be all that is needed. Where appropriate, support will be provided by your line manager.
- 2.3 Informal advice and guidance may be provided verbally or in writing but will always be noted in writing on your personnel records. Where informal advice and guidance is provided verbally and noted on your personnel records you will be provided with a copy of the note. The provision of informal advice and guidance may be referred to at a later stage to evidence that an informal approach was attempted and to demonstrate the success or failure of such an approach. Except in exceptional circumstances, records of the provision of informal advice and guidance will not be kept on record for longer than 6 months. The provision of informal advice and guidance is not a disciplinary sanction. Employees have the right to have their response to any informal advice and guidance provided, recorded in writing on their personnel records.
- 2.4 Failure to comply with any informal advice and guidance provided will not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.
- 2.5 Consideration will be given to any difficulties which an employee may be facing, and the Multi Academy Company will provide reasonable support and assistance to help the employee to overcome them. Such support and assistance may include, where appropriate, the Multi Academy Company seeking appropriate medical or other advice regarding the effective management of any disciplinary issues.

3. SUSPENSION

- 3.1 In cases where the Investigating Manager (as appointed pursuant to Paragraph 4) considers that it is appropriate, the CSEL/Headteacher, or in the case of a decision regarding the suspension of the CSEL/Headteacher, the Chair may take the decision to suspend an employee for a period of up to ten Working Days.
- 3.2 Where the circumstances allow, the employee will be given the opportunity to attend a suspension meeting to respond to the recommendation to suspend before a decision is taken to suspend. This response should not be a response to the disciplinary allegations(s) but a response as to whether suspension is appropriate in the circumstances. The employee may be accompanied by a Companion during the suspension meeting, where practicable.
- 3.3 A record will be kept of the determined purpose for the suspension for a period of up to 12 months and of any alternatives to suspension that were considered.
- 3.4 The CSEL/Headteacher must inform the Chair of the suspension. Where it is the Headteacher who has been suspended, the Chair must inform the Board (excluding any staff Directors if there are any).
- 3.5 The period of suspension referred to in Paragraph 3.1 may be extended, subject to review by the Chair. The reason(s) for extending the suspension along with the length of the extension will be confirmed in writing as soon as is reasonably practicable following a decision to extend being made.
- 3.6 Only the Board may end a suspension.
- 3.7 Notification of suspension should ideally be undertaken in person but may, where the circumstances dictate, be notified to the employee in writing. If notification of suspension is undertaken in person it will be confirmed in writing.
- 3.8 ACAS suggests that suspension may, whilst investigations are carried out, be appropriate where:
- (a) relationships have broken down;
 - (b) gross Misconduct is alleged;
 - (c) there are reasonable concerns that evidence or witnesses could be prejudiced by the employee's presence during the investigation;
 - (d) there are responsibilities to other parties;
 - (e) it is necessary for the protection of pupils, staff or property; and/or

- (f) the presence at work of the employee under investigation may be an obstacle to a proper investigation.
- 3.9 Suspension does not constitute a disciplinary sanction. It is a neutral act intended to ensure an effective investigation can take place. You will receive full pay and benefits during any period of suspension (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to such absence). Periods of suspension will be as brief as possible and will be kept under review. For periods of suspension lasting 20 Working Days or longer, they will be reviewed at least every 20 Working Days.
- 3.10 During a period of suspension, the School may require that you do not:
- (a) attend the School at any time (except with the prior agreement of the CSEL/Headteacher or Chair);
 - (b) communicate in any way with parents, pupils, Directors, Governors or any other third party connected to the School or the Multi Academy Company except:
 - i. with the prior written agreement of the CSEL/Headteacher/Chair; or
 - ii. where following an investigation you are called to a formal Disciplinary Meeting, when you may then approach parents, pupils, Directors, Governors or any third party connected to the School or the Multi Academy Company as potential witnesses but this must be done via the Investigating Manager to avoid any data breach or breach of confidentiality;
 - (c) discuss the fact of your suspension or the fact, or nature, of the allegations against you with any member of staff except:
 - i. with the prior written agreement of the CSEL/Headteacher/Chair;
 - ii. for communication with your Companion where your Companion is a Trade Union representative;
 - iii. where you are called to an interview with the Investigating Manager, a Disciplinary Meeting or a suspension meeting, when you approach a Companion who is a colleague; or
 - iv. where you are called to a formal Disciplinary Meeting you may approach work colleagues as potential witnesses in support of your case, but this must be done via the Investigating Manager to avoid any data breach or breach of confidentiality.

- 3.11 During periods of suspension, the Multi Academy Company may suspend your access to your email account and to the Managed Learning Environment (MLE)/Virtual Learning Environment (VLE).
- 3.12 During periods of suspension, the Multi Academy Company may take such steps as are necessary to cover your workload.
- 3.13 During any period of suspension your contractual duties to the School and to Multi Academy Company (whether express or implied) remain in force and enforceable.
- 3.14 During periods of suspension, the CSEL/Headteacher, or where it is the CSEL/Headteacher who has been suspended, the Chair, will appoint an appropriate member of staff, or in the case of the suspension of the CSEL/Headteacher, a member of the Board, to act as a point of contact for you. This individual will not be able to discuss the disciplinary issue with you, but will be responsible for keeping you informed of any relevant workplace developments and maintaining your relationship with the School.

4. INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

- 4.1 The table below sets out the persons to be appointed throughout the stages of the disciplinary procedure depending on the person who is the subject of the disciplinary proceedings:

<i>Employee Level</i>	<i>Investigating Manager</i>	<i>Disciplinary Manager</i>	<i>Appeal Manager</i>
Catholic Senior Executive Leader	Chair of the Board or a non-staff Director (other than the Vice-Chair) appointed by the Chair	Directors' Disciplinary Panel appointed by the Vice-Chair	A non-staff Director (other than the Chair or Vice Chair) appointed by the Vice-Chair
A member of the MAC Central Management Team	The CSEL	Directors' Disciplinary Panel appointed by the Chair of the Board	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Vice-Chair

<i>Employee Level</i>	<i>Investigating Manager</i>	<i>Disciplinary Manager</i>	<i>Appeal Manager</i>
Headteacher	Chair or a non-staff Director (other than the Vice-Chair) appointed by the Chair	Directors' Disciplinary Panel appointed by the Vice-Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Leadership Spine and School Business Manager	Headteacher	Directors' Disciplinary Panel appointed by the Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Teaching Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	Directors' Disciplinary Panel appointed by the Chair	Directors' Appeal Panel appointed by the Chair
Other Support Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	Directors' Disciplinary Panel appointed by the Chair	Directors' Appeal Panel appointed by the Chair

- 4.2 In cases relating to any alleged gross Misconduct that would bring the School and/or the Multi Academy Company into disrepute, particularly in relation to its religious character, the Chair may act as Investigating Manager regardless of the level of the employee involved [and the Disciplinary Manager may be the Directors' Disciplinary Panel, not including the Chair] Decisions as to whether the Chair and/or the Directors' Disciplinary Panel should act in these circumstances will be made by the Chair, whose decision shall be final.

5. FORMAL PROCESS

5.1 Step 1 - Investigation

- 5.1.1 The Investigating Manager will conduct an investigation into the alleged Misconduct in a timely manner. The Investigating Manager should not have any previous involvement in the matter.

- 5.1.2 The Investigating Manager may appoint any other person from within the School and/or the Multi Academy Company or an external third party to assist in the investigation.
- 5.1.3 The Investigating Manager will notify you in writing of the fact of the investigation, the allegations made, the terms of reference for the investigation and they will provide you with a copy of this Disciplinary Policy and Procedure. The investigation will include a face to face interview with you apart from in exceptional circumstances. In the event of a face-to-face interview you will be notified at least 5 Working Days beforehand. You may, if you wish, provide a written statement or response to the Investigating Manager.
- 5.1.4 You are required to co-operate fully with the Investigating Manager to ensure that the investigation can be completed as swiftly and thoroughly as possible and, in any event, within a reasonable timeframe.
- 5.1.5 At the conclusion of the investigation, the Investigating Manager will produce an Investigation Report setting out, in detail, the allegations made in respect of your conduct, the evidence considered and a recommendation that either:
- (a) a Disciplinary Manager be appointed and a Disciplinary Meeting be convened in accordance with Step 2 below; or
 - (b) there is insufficient evidence to support the allegations of Misconduct to proceed in accordance with Step 2 below and no further action will be taken under this Disciplinary Policy and Procedure; or
 - (c) a Disciplinary Meeting is not required despite evidence to support the allegations of Misconduct, but informal advice and guidance should be issued to you in accordance with the provisions of Paragraph 2 of this Disciplinary Policy and Procedure;
 - (d) there is no case to answer.
- 5.1.6 In all circumstances, you will be sent a copy of the Investigation Report as soon as is reasonably practicable following the end of the investigation. As a guide, from the time the Investigating Manager begins their investigation, the Investigation Report will normally be produced within 15 Working Days where the matter is straightforward. For allegations of gross Misconduct and more complex cases, the Investigation Report should be produced within 20 Working Days. In very complex or exceptional circumstances, a reasonable timescale will be determined by the Investigating Manager and will be notified to you in writing.

5.2 Step 2 – Disciplinary Meeting

- 5.2.1 If the Investigation Report contains a recommendation that you must attend a formal disciplinary meeting (“the Disciplinary Meeting”) with the Disciplinary Manager appointed, the Investigating Manager will write a letter to you inviting you to the Disciplinary Meeting. Such letter will be sent within 5 Working Days of you being provided with the Investigation Report. If dismissal is a possible outcome this will be stated in the Investigating Manager’s letter. The letter shall state that any documentation you wish to rely on must be submitted at least 2 Working Days in advance of the Disciplinary Meeting.
- 5.2.2 The Disciplinary Meeting shall take place at least 5 Working Days after the date of the Investigating Manager’s letter sent to you in accordance with Paragraph 5.2.1 above. Appendix A sets out details of the process that will be followed in any Disciplinary Meeting.
- 5.2.3 In advance of, and at the Disciplinary Meeting, the Disciplinary Manager shall consider:
- (a) evidence presented in support of the allegations of Misconduct against you;
 - (b) evidence presented in defence of the allegations of Misconduct against you; and
 - (c) where Misconduct is admitted, whether in whole or in part, any evidence you have in Mitigation.
- 5.2.4 The Disciplinary Manager may adjourn the Disciplinary Meeting (for a period of up to 15 Working Days) to allow for further investigations in the light of your evidence or any other matter that may arise during the meeting and will reconvene the Disciplinary Meeting to give you an opportunity to comment on any further evidence produced by further investigations. You will be provided with at least 5 Working Days written notice of any reconvened Disciplinary Meeting.
- 5.2.5 Written or oral evidence can be presented at a Disciplinary Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Disciplinary Meeting and you will be given a reasonable opportunity to comment on it during the Disciplinary Meeting if you attend the meeting. If you do not attend the Disciplinary Meeting, you will be given an opportunity to provide written responses to any written evidence presented.

- 5.2.6 If oral evidence is heard at the Disciplinary Meeting, you will be given an opportunity to comment on it either by (a) attending the Disciplinary Meeting or (b) reviewing the notes of that oral evidence after the Disciplinary Meeting (if you were not present at the Disciplinary Meeting when such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 Working Days of being provided with the same.
- 5.2.7 Once all the evidence has been considered, the Disciplinary Manager will confirm the outcome of the Disciplinary Meeting in writing to you within 5 Working Days of the date of the Disciplinary Meeting or any adjourned Disciplinary Meeting, or receipt of your responses to the notes of the oral evidence provided to you in accordance with Paragraph 5.2.6 above (as appropriate) (“the Disciplinary Decision Letter”). The potential outcomes of a Disciplinary Meeting are as follows:
- (a) the imposition of a formal disciplinary sanction in accordance with Paragraph 6; or
 - (b) that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under this Disciplinary Policy and Procedure; or
 - (c) a formal disciplinary sanction is not required despite evidence to support the allegations of Misconduct, but informal advice and guidance should be issued to you in accordance with the provisions of Paragraph 2 of this Disciplinary Policy and Procedure; or
 - (d) there is no case to answer.

5.3 Step 3 – Appeal

- 5.3.1 In the event that you are dissatisfied with the decision of the Disciplinary Manager as set out in the Disciplinary Decision Letter, you can appeal to the Appeal Manager provided that you do so in writing to the Clerk within 10 Working Days of the date of the Disciplinary Decision Letter.
- 5.3.2 Your appeal letter must clearly set out the grounds of your appeal. Your appeal may either be a review of any formal disciplinary sanction imposed or a re-hearing of the case and the Appeal Manager will determine whether your appeal is a review or a re-hearing based on the content of your appeal letter. The decision of the Appeal Manager in this regard will be final. When preparing your appeal letter, you may wish to consider the following grounds:

- (a) that the action taken was unfair;
 - (b) that this disciplinary policy and procedure was applied defectively or unfairly;
 - (c) that new evidence has come to light which was not available when the relevant decision was made by the Investigating Manager or Disciplinary Manager;
 - (d) that the sanction was overly harsh in all the circumstances.
- 5.3.3 The Appeal Meeting will normally be held within 20 Working Days of your appeal letter being received by the Clerk. You will be given at least 5 Working Days' notice of the Appeal Meeting.
- 5.3.4 The Appeal Manager may consider any new evidence produced by you which was not available to the Disciplinary Manager.
- 5.3.5 The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon your reliability in relation to evidence you have already given or if it rebuts any new evidence produced, or any assertions made, by you in your grounds of appeal.
- 5.3.6 Written or oral evidence can be presented at an Appeal Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Appeal Meeting and you will be given a reasonable opportunity to comment on it during the Appeal Meeting if you attend the meeting. If you do not attend the Appeal Meeting, you will be given an opportunity to provide written responses to any written evidence presented.
- 5.3.7 If oral evidence is heard, you will be given an opportunity to comment on it either by (a) attending the Appeal Meeting or (b) reviewing the notes of that oral evidence after the Appeal Meeting (if you were not present at the Appeal Meeting where such oral evidence was given). In the event of (b) you must provide any response to the notes of the oral evidence within 5 Working Days of being provided with the same. The Appeal Manager will consider all of the evidence provided in order to determine whether the relevant decision was fair and reasonable.
- 5.3.8 The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 Working Days of the date of the Appeal Meeting, or receipt of your responses to the notes of the oral evidence provided to you in accordance with Paragraph 5.3.7 above (as appropriate). The decision of the Appeal Manager is

final and there will be no further right of appeal. The potential outcomes of the Appeal Meeting are that:

- (a) the Appeal Manager may uphold the decision of the Disciplinary Manager and any formal disciplinary sanction imposed by the Disciplinary Manager will be upheld; or
- (b) the Appeal Manager may uphold your appeal and overturn the decision of the Disciplinary Manager and any formal sanction imposed by the Disciplinary Manager will be overturned and/or
- (c) the Appeal Manager may impose a lesser formal disciplinary sanction to that imposed by the Disciplinary Manager.

5.3.9 Should an appeal against dismissal be successful, you will be reinstated with no break in your continuous service.

6 FORMAL SANCTIONS

The Disciplinary Manager (and Appeal Manager where appropriate) may impose the following sanctions:

6.1 A First Written Warning

- 6.1.1 A First Written Warning will remain live for **6** months from the date of the First Written Warning.
- 6.1.2 For a first disciplinary offence (ignoring any informal advice and guidance), a First Written Warning will be the normal response unless the Misconduct is serious as set out in Paragraph 5.2.3 below.
- 6.1.3 A First Written Warning will set out the nature of the Misconduct and the change in behaviour needed (with a suitable timescale).

6.2 A Final Written Warning

- 6.2.1 A Final Written Warning will remain live for **12** months from the date of the Final Written Warning.
- 6.2.2 A Final Written Warning will normally be given for a second disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of Misconduct, if appropriate in the circumstances).

6.2.3 A Final Written Warning can be given for serious Misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

6.2.4 A Final Written Warning will set out the nature of the Misconduct and the change in behaviour needed (with a suitable timescale). A Final Written Warning will also confirm the consequences of further Misconduct.

6.3 Dismissal on notice

6.3.1 Dismissal on contractual notice may be given for a disciplinary offence (other than an act of gross Misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of Misconduct, if appropriate in the circumstances).

6.3.2 For the avoidance of doubt the notice period commences immediately and does not await the outcome of any appeal.

6.3.3 In the event that your employment is terminated in accordance with this Paragraph 6.3:

- (a) if your contract of employment contains a garden leave clause the Board may exercise that clause so that you are not required to attend the School during the notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or
- (b) if your contract of employment contains a payment in lieu of notice clause the Board may exercise that clause to bring your contract to an end with immediate effect.

6.4 Dismissal without notice or termination payment

6.4.1 Dismissal without notice or termination payment (also known as Summary Dismissal) will only occur if you have committed an act of gross Misconduct or otherwise have destroyed the trust and confidence required between an employee and their employer, in this case between you and the Multi Academy Company. For the avoidance of doubt, where appropriate, dismissal without notice or termination payment may occur regardless of previous disciplinary history.

6.4.2 For the avoidance of doubt your dismissal takes effect immediately and does not await the outcome of any appeal.

6.4.3 The following is a **non-exhaustive** list of matters which the Multi Academy Company considers may amount to gross Misconduct:

- (a) Conduct incompatible with, or prejudicial to, the religious character of the Multi Academy Company and/or the School or the precepts or tenets of the Catholic Church
- (b) Conduct that is likely to bring the Multi Academy Company and/or the School or the Church into disrepute
- (c) Conduct giving rise to any Child Protection issue including, but not limited to, a change in your DBS status during the course of your employment
- (d) Failure to disclose your DBS status/submit to a DBS check where requested to do so by the Headteacher and/or the Multi Academy Company
- (e) A serious breach of any relevant code of conduct or professional standards
- (f) Theft of any property
- (g) Malicious or wilful damage to any property
- (h) Knowingly or recklessly falsifying, or knowingly or recklessly causing falsification of, any documents whether for personal gain or not
- (i) Ordering any goods or services on behalf of the Multi Academy Company and/or the School from a supplier in which you or a relative have a personal interest (whether financial or not) without declaring that interest and without the permission of the Board
- (j) Dishonesty
- (k) Violence to any person
- (l) Unlawfully restraining a pupil
- (m) Abusive, threatening or offensive language or behaviour to any person
- (n) Discrimination or harassment
- (o) Bullying
- (p) Disclosing the contents of any live examination paper or assessment in advance to any pupil or parent
- (q) Concealing any actual or attempted cheating by any pupil or colleague, including participating in or concealing any actual or attempted exam misconduct
- (r) Attending work or undertaking duties whilst under the influence of alcohol or unlawful substances
- (s) Misuse of the Multi Academy Company's and/or the School's ICT (including internet and email access and breaches of the Multi Academy Company's social networking policy) to view or distribute obscene, pornographic, defamatory or otherwise unacceptable material
- (t) Supplying your personal contact details to a pupil without express authorisation from the Headteacher

- (u) Interacting with a pupil online out of school hours other than through the Managed Learning Environment
- (v) Making any sexual or romantic contact with any pupil whatever the age of the pupil
- (w) Breaching the confidentiality or data protection obligations surrounding the Academy Trust Company, the School, a parent, pupil, colleague, Director or Governor
- (x) Covert recording of any meetings without the knowledge or consent of all persons present
- (y) Serious breach of health and safety procedures
- (z) Serious negligence (whether or not leading to any actual loss)
- (aa) Criminal activity during the course of employment
- (bb) Making a false, malicious or vexatious allegation against the Multi Academy Company, the School, a parent, pupil, colleague, Director or Governor
- (cc) Repeated acts of less serious Misconduct which collectively may amount to gross Misconduct.

6.5 In all cases where the formal sanction involves dismissal, the Disciplinary Manager will recommend to the Multi Academy Company that your employment is terminated in accordance with your contract of employment and the Multi Academy Company will take steps to terminate your employment.

6.6 Voluntary demotion as an alternative to higher formal sanction

6.6.1 There may be a situation where the Disciplinary Manager considers that a recent promotion or job change has been a contributory factor in your Misconduct.

6.6.2 Where paragraph 6.6.1 applies, the Disciplinary Manager may offer you the option of agreeing to voluntarily give up a promotion or job change as an alternative to a higher formal disciplinary sanction. Any such offer shall be made in writing. Should the option of voluntary demotion or job change be accepted this will not need to be a post with equivalent terms and conditions and protection of salary will not apply. For the avoidance of doubt, whether such an offer is made will be at the sole discretion of the Disciplinary Manager. There may be circumstances where it is not appropriate to make such an offer, for example, where there has been a safeguarding issue or where an allegation of bullying has been proven.

7 DIRECTORS' PANELS

- 7.1 **Directors' Disciplinary Panels** shall comprise three members selected from among the Directors and members of Local Governing Bodies and each such Panel shall be chaired by a Director (only).
- 7.2 **Directors' Appeal Panels** shall comprise three Directors not previously involved in the relevant matter, and shall not include the Chair or Vice-Chair unless there are insufficient numbers of Directors not previously involved in such matter, in which case the Chair and/or Vice-Chair may be appointed to such Appeal Panel.
- 7.3 in the exceptional event that there are insufficient numbers of Directors qualified under 7.2 available to enable a Directors' Appeal Panel to be properly constituted the MAC may appoint associate member(s) to such Panel on the recommendation of the Diocesan Schools Commission.'

8 COMPANION

- 8.1 If you are the subject of disciplinary allegations which lead to you being invited to an interview or meeting pursuant to this Disciplinary Policy and Procedure, you may be accompanied at such interview or meeting by a Companion.
- 8.2 You must let the relevant Manager know who your Companion will be at least one Working Day before the relevant interview or meeting.
- 8.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.
- 8.4 Your Companion can address the relevant interview or meeting in order to:
- (a) put your case;
 - (b) sum up your case;
 - (c) respond on your behalf to any view expressed at the relevant interview or meeting; and
 - (d) ask questions on your behalf.
- 8.5 Your Companion can also confer with you during the relevant interview or meeting.
- 8.6 Your Companion has no right to:
- (a) answer questions on your behalf;
 - (b) address the relevant interview or meeting if you do not wish it; or
 - (c) prevent you from explaining your case.

8.7 Where you have identified your Companion and they have confirmed in writing to the relevant Manager that they cannot attend the date or time set for the relevant interview or meeting, the relevant interview or meeting will be postponed for a period not in excess of five Working Days from the date set by the Multi Academy Company to a date and time agreed with your Companion. Should your Companion subsequently be unable to attend the rearranged date, the meeting may be held in their absence or written representations will be accepted

9 TIMING OF INTERVIEWS AND MEETINGS

9.1 The aim is that interviews and meetings under this Disciplinary Policy and procedure will be held at mutually convenient times but depending on the circumstances, interviews and meetings may:

- (a) need to be held when you were timetabled to teach (if that is appropriate to your role);
- (b) exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to your role);
- (c) exceptionally be held after the end of the School day;
- (d) not be held on days on which you would not ordinarily work;
- (e) be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.

9.2 Where an employee is persistently unable or unwilling to attend an interview or meeting without good cause the relevant manager will make a decision on the evidence available.

10 VENUE FOR INTERVIEWS OR MEETINGS

If the allegations are sensitive the relevant Manager may hold the interview or meeting off the School site to minimise any distress to the employee.

11 ASSISTANCE

11.1 In any case concerning the religious character of the Multi Academy Company and/or the School, the Diocesan Schools Commission must be notified immediately the Multi Academy Company and/or the School becomes aware of the allegations and it may be represented at any relevant interview or meeting to advise the Investigating Manager, Disciplinary Manager or Appeal Manager.

11.2 In all cases involving any disciplinary sanction in relation to the Headteacher or to a person on the Leadership Spine, or to potential or actual dismissal of any other member of staff, the Diocesan Schools Commission and/or the Local Authority may send a representative to advise the Disciplinary Manager or Appeal Manager.

12 TRADE UNION OFFICERS

The Multi Academy Company notes and adopts the ACAS Code of Practice's statement "Where disciplinary action is being considered against an employee who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement."

13 REFERRALS

13.1 Where a teacher is dismissed for serious Misconduct (or may have been dismissed for serious Misconduct if the teacher had not resigned) the Multi Academy Company must consider whether to refer the circumstances to the Department for Education and Teaching Regulation Agency.

13.2 Where a person working for the Multi Academy Company (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- (a) which endangered a child or was likely to endanger a child;
- (b) which, if repeated against or in relation to a child, would endanger that child or would be likely to endanger them;
- (c) involving sexual material relating to children (including possession of such material);
- (d) involving sexually explicit images depicting violence against human beings (including possession of such images);
- (e) of a sexual nature involving a child

the Multi Academy Company must refer that person to the Disclosure & Barring Service ("DBS").

REVIEW OF THIS PROCEDURE

This procedure was produced in September 2013, updated in June 2016, May 2018 and September 2020 by the Catholic Education Service (CES) for use in Catholic

Voluntary Academies in England following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese. This procedure will be reviewed by the CES in readiness for academic year 2022/2023.

Appendix A**Disciplinary Meeting Process**

1. Introductions
2. Multi Academy Company representative puts the Multi Academy Company's case and calls the Multi Academy Company's witnesses
 - a. Employee questions Multi Academy Company representative and witnesses
 - b. Disciplinary Manager questions Multi Academy Company representative and witnesses
 - c. Additional questions asked by Employee if necessary
 - d. Additional questions asked by the Disciplinary Manager if necessary
3. Employee puts their case and calls their witnesses
 - a. Multi Academy Company representative questions Employee and witnesses
 - b. Disciplinary Manager questions Employee and witnesses
 - c. Additional questions asked by Multi Academy Company representative if necessary
 - d. Additional questions asked by Disciplinary Manager if necessary
4. Summaries
 - a. Multi Academy Company representative summarises the Multi Academy Company's case
 - b. Employee summarises their case
5. The Disciplinary Manager deliberates in private and provides the outcome to the employee in writing within 5 Working Days of the Disciplinary Meeting.

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

1. LETTER – INFORMAL DISCIPLINARY ADVICE AND GUIDANCE
2. LETTER OF SUSPENSION.....
3. LETTER ON REVIEW OF SUSPENSION.....
4. LETTER ENDING SUSPENSION
5. LETTER RE INVESTIGATION.....
6. LETTER ENCLOSING INVESTIGATORY REPORT – NO ACTION
7. LETTER INVITING TO DISCIPLINARY MEETING.....
8. LETTER TO THE EMPLOYEE – NO ACTION.....
9. OUTCOME LETTER – FIRST WRITTEN WARNING.....
10. OUTCOME LETTER – FINAL WRITTEN WARNING.....
11. OUTCOME LETTER – DISMISSAL ON NOTICE – NOT TO BE USED IN
GROSS MISCONDUCT CASES
12. OUTCOME LETTER – DISMISSAL WITHOUT NOTICE OR TERMINATION
PAYMENT
13. OUTCOME LETTER – PROPOSED VOLUNTARY DEMOTION
14. LETTER – RECEIPT OF APPEAL
15. LETTER – OUTCOME OF APPEAL – NO CHANGE
16. LETTER – OUTCOME OF APPEAL – REDUCED SANCTION

NOTES TO USERS:

You must either complete or delete information which is highlighted in yellow in these template letters before sending to the employee.

Please pay specific attention to who is sending each letter and ensure that it fits with your governance structure and the table in paragraph 4.1 of your adopted Disciplinary Policy and Procedure.

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE

TEMPLATE LETTERS

1. LETTER – INFORMAL DISCIPLINARY ADVICE AND GUIDANCE

Users should note that this letter will need to be adapted depending on whether the advice was provided verbally and is being followed up in writing or whether it is being provided in writing.

Dear [NAME]

As your line manager, I have identified unsatisfactory conduct in the carrying out of your professional duties. The unsatisfactory conduct I have identified is [INSERT DETAILS OF POOR CONDUCT].

As a result of this unsatisfactory conduct, I [have provided/am providing] the following informal advice and guidance:

[INSERT DETAILS OF THE INFORMAL ADVICE AND GUIDANCE INCLUDING DETAILS OF THE IMPROVEMENT REQUIRED]

If there is further unsatisfactory conduct, the provision of this informal advice and guidance may be referred to in order to evidence that an informal approach to dealing with unsatisfactory conduct was attempted and to demonstrate the success or failure of such an approach.

A record of the provision of this informal advice and guidance will be kept for [6 months]. You have the right to have your response to this informal advice and guidance recorded in writing on your personnel records. If you would like to provide your written response please do so as soon as possible.

Failure to comply with any informal advice and guidance provided, will not, on its own, be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

Consideration will be given to any difficulties you are facing, and the [school/academy] will provide reasonable support and assistance to help you to overcome them. If there are any issues you wish to raise, please let me know.

If you are a member of a trade union or other professional association, you may wish to seek their advice and support if you have not already done so.

If you have any questions in relation to the informal advice and guidance provided please let me know.

Yours sincerely

[Name]

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE

TEMPLATE LETTERS

2. LETTER OF SUSPENSION

Dear [NAME]

Suspension

In accordance with the provisions of the Academy Trust Company's Disciplinary Policy and Procedure [and having taken your comments at the suspension meeting into consideration], I am [suspending you][confirming your suspension] from work with immediate effect. Your suspension will last for [INSERT DAYS] and will therefore end on [INSERT DATE].

Your suspension is necessary in order to allow disciplinary allegations that have been made to be investigated effectively and thoroughly. As an alternative to suspension, I considered [arranging for your supervision on Academy Trust Company premises during the disciplinary investigation] [allowing for you to remain on Academy Trust Company premises unsupervised during the disciplinary investigation] [arranging for you to work in a different part of the Academy Trust Company during the disciplinary investigation] [INSERT ANY OTHER ALTERNATIVE(S) TO SUSPENSION THAT WERE CONSIDERED].

However, in the circumstances none of the above measures would provide a suitable alternative to suspension because [your presence at the [school/academy] during the disciplinary investigation process could have potential safeguarding implications and we do not have sufficient human resources in place to ensure your constant supervision] [It is likely that your presence at the [school/academy] could hinder the disciplinary investigation] [INSERT OTHER RELEVANT REASON(S) FOR REJECTING CONSIDERED ALTERNATIVES].

The allegations that have been made relate to [INSERT BRIEF OUTLINE OF ALLEGATIONS.]

You should be aware that suspension is not in itself a disciplinary sanction, it is a neutral act intended to ensure that an effective investigation can take place.

During the period of your suspension, your contractual duties to the School and Academy Trust Company remain in force and enforceable.

I enclose a copy of the Disciplinary Policy and Procedure.

During the period of your suspension I have appointed [INSERT STAFF MEMBER'S NAME] to act as a point of contact for you. They will not be able to discuss the disciplinary issue with you, but will be responsible for keeping you informed of any relevant workplace developments and maintaining your relationship with the [school/academy].

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE TEMPLATE LETTERS

[INSERT NAME] has been appointed as the Investigating Manager and [he/she] may contact you during the period of suspension to ask for information or documents. Your cooperation with the Investigating Manager will assist in enabling a speedy conclusion to be reached.

During the period of your suspension, you:

- (a) Will continue to be paid in full and you will receive full benefits (unless you are otherwise absent from work due to sickness or other leave and have exhausted the pay entitlements connected to your absence);
- (b) Must not, **without my prior written permission**, discuss the fact of your suspension or the fact, or the nature, of the allegations against you with anyone in or connected with the Academy Trust Company (including pupils, parents, directors, local governors and colleagues) other than me, your trade union representative or [NAME OF LINE MANAGER] or [NAME OF INVESTIGATING MANAGER].

If you are called to an interview with the Investigating Manager or a Disciplinary Meeting you may then approach work colleagues for the purposes of identifying a willing work Companion but only if you do not have access to an accredited representative of a trade union or other professional association of which you are a member.

If you are called to a Disciplinary Meeting you may then approach work colleagues as potential witnesses in support of your case via the Investigating Manager.

- (c) Must not, **without my prior permission**, make any contact with any director, parent, pupil, local governor or any third party connected to the Academy Trust Company.

If following the investigation you are called to a Disciplinary Meeting you may then approach directors, local governors, parents or pupils as potential witnesses but this must be done via the Investigating Manager to avoid any breach of data protection legislation and/or duties of confidentiality.

- (d) Should be available by phone or email during your normal working hours to assist with any queries relating to your work. The phone numbers and email address we have for you are [INSERT]. Please let me know immediately if this information is incorrect.
- (e) Must not attend any Academy Trust Company premises at any time (except with the prior agreement of the Headteacher or Chair)

[Access to your workplace email account and the Managed Learning Environment (MLE)/Virtual Learning Environment (VLE) will be suspended].

[I will notify the Chair of the Board of Directors of the Academy Trust Company of your suspension] [I will notify the Board of Directors of the Academy Trust Company of your suspension].

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE TEMPLATE LETTERS

The periods of your suspension will be as brief as possible and will be kept under review. [As the periods of suspension is 20 Working Days or longer, it will be reviewed by the Chair of the Board of Directors of the Academy Trust Company at least every 20 Working Days with the first review being on [INSERT DATE]].

If your suspension is extended, then the Chair of the Board of Directors of the Academy Trust Company will write to you providing the reason(s) for extending the suspension along with the length of the extension. This will be done as soon as reasonably practicable after the extension is deemed necessary.

If you are a member of a trade union or other professional association, you may wish to seek their advice and support if you have not already done so.

You may also be able to obtain support from [INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO ACADEMY STAFF].

Yours sincerely

NAME

[Headteacher][Chair of the Board of Directors of the Academy Trust Company]

Enc. Disciplinary Policy and Procedure

cc. Investigating Manager

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

3. LETTER ON REVIEW OF SUSPENSION

Dear **[NAME]**

Review of Suspension

I am writing to confirm that I have reviewed your suspension and as the investigation is ongoing, I have decided to extend your suspension for a further **[INSERT NUMBER OF DAYS]** days. Your suspension will therefore now end on **[INSERT DATE]**.

[In making the decision to extend your suspension, I have reviewed the initial reason for deciding to suspend you from duty, detailed in my previous letter of [INSERT DATE OF LETTER] and the position has not changed].

OR

[Having again considered any alternatives to your suspension, there is no adequate alternative measure for the reasons provided in my previous letter of [INSERT DATE OF LETTER], as the position has not changed.]

OR

[INSERT OTHER RELEVANT REASON]

I shall review your suspension again in a further **[INSERT NUMBER]** Working Days, therefore on the **[INSERT DATE]**

If you are a member of a trade union or other professional association, I recommend that you seek their advice and support if you have not already done so.

You may also be able to obtain support from **[INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO ACADEMY STAFF]**.

Yours sincerely

[NAME]

Chair of the Board of Directors of the Academy Trust Company

cc. Investigating Manager

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

4. LETTER ENDING SUSPENSION

Dear **[NAME]**

End of suspension

I am writing to inform you that your period of suspension has now concluded, and you should return to work on **[INSERT NEXT WORKING DAY]**.

Thank you for your patience during your period of suspension, which has allowed us to ensure the matter could be investigated thoroughly and fairly.

The Investigating Manager, **[INSERT NAME]**, will be writing to you separately with a copy of the Investigation Report.

Yours sincerely

[NAME]

Chair of the Board of Directors of the Academy Trust Company

cc. Investigating Manager

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE

TEMPLATE LETTERS

5. LETTER RE INVESTIGATION

Dear [NAME]

Investigation

I have been appointed as Investigating Manager under the Academy Trust Company's Disciplinary Policy and Procedure and I enclose a copy of that Policy for you. I have been asked to prepare an Investigation Report and to make a recommendation as to whether you should be invited to a Disciplinary Meeting in relation to the following allegations:

- [INSERT DETAIL OF ALLEGATIONS].

This list of allegations is not definitive and may need to change during the course of my investigation. You will be made aware of any subsequent allegations and given the opportunity to respond to them.

You are required to co-operate fully with my investigation. Your co-operation will ensure that the investigation can be completed as swiftly and as thoroughly as possible and, in any event, within a reasonable timeframe. The terms of reference for my investigation are as follows:

- [INSERT TERMS OF REFERENCE]

Interview

To assist me in my investigation, I would like to meet with you on [DATE] at [TIME] at [VENUE]. If you would prefer, I am happy to meet with you at home or at a neutral venue. If this is preferred, please let me know the proposed alternative venue as soon as possible.

At our interview, I would like you to identify any people you believe I should also be interviewing or any documentation that you wish me to look for. My task is to consider all of the facts in order to arrive at a balanced understanding of the available evidence.

You may be accompanied by a Companion who can be a trade union official, an accredited representative of a trade union or other professional association of which you are a member, or a willing work colleague who is not involved in this disciplinary issue. Note that your Companion cannot answer questions for you and you must notify me of their name at least the Working Day before the meeting, therefore by [INSERT DATE].

You may also, if you wish, provide me with a written statement or response.

OR

Written Questions

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE TEMPLATE LETTERS

[N.B. ONLY TO BE USED IN EXCEPTIONAL CIRCUMSTANCES]

At this stage I do not consider it necessary to meet with you but would like you to answer the questions attached in writing by **[DATE]** which will assist me in my investigation.

I would also like you to identify any people you believe I should also be interviewing or any documentation that you wish me to look for. My task is to consider all of the facts in order to arrive at a balanced understanding of the available evidence.

You may be assisted in formulating your response to my questions by a Companion who can be a trade union official, an accredited representative of a trade union or other professional association of which you are a member, or a willing work colleague who is not involved in this disciplinary issue.

At the conclusion of the investigation, I will produce an investigation report which will set out in detail, the allegations made in respect of your conduct, the evidence considered and my recommendation as to how to proceed. You will be sent a copy of the investigation report as soon as is reasonably practicable following the end of the investigation.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to my investigation, please do let me know as soon as possible.

You may also be able to obtain support from **[INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO SCHOOL STAFF]**.

Yours sincerely

[NAME]
Investigating Manager

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

6. LETTER ENCLOSING INVESTIGATORY REPORT – NO ACTION

Dear **[NAME]**

Outcome of investigation

I have completed my Investigation Report and enclose a confidential copy. You will see that I have recommended that there be no Disciplinary Meeting in relation to the allegations. This recommendation has been made on the basis that **[there is insufficient evidence][there is no case to answer][no meeting is required as informal advice and guidance is more appropriate]. [SPECIFY WHO WILL PROVIDE THE RELEVANT INFORMAL ADVICE AND GUIDANCE AND WHEN THE EMPLOYEE CAN EXPECT TO RECEIVE IT]].**

Therefore, this matter is now closed.

Thank you for your assistance.

Yours sincerely

[NAME]

Investigating Manager

Enc. Investigation Report

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE

TEMPLATE LETTERS

7. LETTER INVITING TO DISCIPLINARY MEETING

Dear [NAME]

Outcome of investigation – Disciplinary Meeting

I have now completed my Investigation Report and enclose a confidential copy. You will see that I have recommended that you should attend a Disciplinary Meeting. The Investigation Report sets out the allegations in detail (including, where relevant, dates of the alleged incidents), together with all supporting evidence.

You are therefore required to attend a Disciplinary Meeting on [DATE] at [TIME] at [VENUE].

The purpose of the Disciplinary Meeting is for you to have an opportunity to comment on the Investigation Report.

The Disciplinary Manager conducting the Disciplinary Meeting (appointed pursuant to the Academy Trust Company's Disciplinary Policy and Procedure) is [INSERT NAME/S].

I will be presenting the report to the Disciplinary Meeting and you will have an opportunity to make any representations you wish in relation to the allegations against you. Any documentation you wish to rely on or details of any witnesses that you wish to call on your behalf must be submitted at least 2 Working Days in advance of the Disciplinary Meeting, therefore by [INSERT DATE].

Written or oral evidence can be presented at the Disciplinary Meeting. If written evidence is to be relied upon, you will be provided with it prior to the Disciplinary Meeting and you will be given a reasonable opportunity to comment on it during the Disciplinary Meeting if you attend the meeting. If you do not attend the Disciplinary Meeting, you will be given an opportunity to provide written responses to any written evidence presented. If oral evidence is heard at the Disciplinary Meeting you will be given an opportunity to comment on it.

In the event that the allegations against you are proven, you should be aware that you may face a formal sanction pursuant to the Academy Trust Company's Disciplinary Policy and Procedure, in this case most likely sanction is [SANCTION]

[You should note that the allegations, if proven, may be considered sufficiently serious, either alone or taken together with other warnings or matters, to warrant the termination of your employment].

You may be accompanied by a Companion who can be a trade union official, an accredited representative of a trade union or other professional association of which you are a member, or a willing work colleague who is not involved in this disciplinary issue. Note that your Companion cannot answer questions for you

CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE TEMPLATE LETTERS

and you must notify me of their name at least the Working Day before the meeting, therefore by **[INSERT DATE]**.

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe we can make to accommodate your disability at the Disciplinary Meeting, please do let me know as soon as possible.

It may be necessary to adjourn the Disciplinary Meeting (for up to 15 Working Days) to allow further investigation in the light of your evidence and any other matter which may arise during the meeting and in such circumstances the Disciplinary Meeting will be reconvened to give you an opportunity to comment on any further evidence produced by further investigations. If this occurs, you will be provided with at least 5 Working Days written notice of any reconvened Disciplinary Meeting.

You may also be able to obtain support from **[INSERT DETAILS OF ANY LOCAL COUNSELLING OR SUPPORT SERVICES AVAILABLE TO ACADEMY STAFF]**.

Yours sincerely

[NAME]

Investigating Manager

cc. Disciplinary Manager

Enc. Investigation Report

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

8. LETTER TO THE EMPLOYEE – NO ACTION

Dear **[NAME]**

Outcome of Disciplinary Meeting

I am writing to confirm the outcome of the Disciplinary Meeting held on **[DATE]**.
Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

I have concluded that **[that, on balance, there is insufficient evidence to substantiate the allegations made against you and so the disciplinary proceedings will be terminated and no further action will be taken under the Disciplinary Policy and Procedure][that there is no case to answer and so the disciplinary proceedings will be terminated and no further action will be taken under the Disciplinary Policy and Procedure] [that a formal disciplinary sanction is not required despite evidence to support the allegations of misconduct, but informal advice and guidance should be issued to you [PROVIDE DETAILS OF WHO WILL BE PROVIDING THE INFORMAL ADVICE AND GUIDANCE AND WHEN THE EMPLOYEE CAN EXPECT TO RECEIVE IT].**

Therefore, this matter is now closed.

In accordance with the Disciplinary Policy and Procedure I enclose a copy of the notes from the Disciplinary Meeting.

Thank you for your assistance.

Yours sincerely

[NAME]
[Disciplinary Manager]

Enc. Notes from the Disciplinary Meeting.

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

9. OUTCOME LETTER – FIRST WRITTEN WARNING

Dear **[NAME]**

Outcome of Disciplinary Meeting – First Written Warning

I am writing to confirm the outcome of the Disciplinary Meeting held on **[INSERT DATE]**. Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- **[INSERT DETAILS OF ALLEGATIONS THAT HAVE BEEN PROVEN]**

It has been further decided that the appropriate formal sanction is a First Written Warning which will remain live on your file for 6 months from and including today, therefore until **[INSERT DATE]**.

The following changes in behaviour will need to occur within **[INSERT DURATION]**, therefore by **[INSERT DATE]**:

- **[INSERT DETAILS OF CHANGES IN BEHAVIOUR REQUIRED]**

Any further misconduct, whether of a similar or dissimilar nature being discovered or occurring in the 6 month period this warning remains live (even if not discovered until after the end of this period) may result in further disciplinary action which may, in turn, lead to either a Final Written Warning or the termination of your employment.

In accordance with the Disciplinary Policy and Procedure I enclose a copy of the notes from the Disciplinary Meeting.

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to the Board of Directors of the Academy Trust Company setting out your grounds of appeal. Any appeal should be lodged within 10 Working Days of the date of this letter and therefore by **[INSERT DATE]**.

Yours sincerely

[NAME]
Disciplinary Manager

Enc. Notes from the Disciplinary Meeting

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

10. OUTCOME LETTER – FINAL WRITTEN WARNING

Dear **[NAME]**

Outcome of Disciplinary Meeting – Final Written Warning

I am writing to confirm the outcome of the Disciplinary Meeting held on **[DATE]**.

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- **[INSERT DETAILS OF ALLEGATIONS THAT HAVE BEEN PROVEN]**

It has been further decided that the appropriate formal sanction is a Final Written Warning which will remain live on your file for 12 months from and including today, therefore until **[INSERT DATE]**.

The following changes in behaviour will need to occur within **[INSERT DURATION]**, therefore by **[INSERT DATE]**.

[INSERT DETAILS OF CHANGES IN BEHAVIOUR REQUIRED]:

Any further misconduct, whether of a similar or dissimilar nature being discovered or occurring in the 12 month period the warning remains live (even if not discovered until after the end of this period) may result in further disciplinary action which, in turn, may lead to the termination of your employment.

In accordance with the Disciplinary Policy and Procedure I enclose a copy of the notes from the Disciplinary Meeting.

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to the Board of Directors of the Academy Trust Company setting out your grounds of appeal. An appeal should be lodged within 10 Working Days of the date of this letter and therefore by **[INSERT DATE]**.

Yours sincerely

[NAME]
[Disciplinary Manager]

Enc. Notes from the Disciplinary Meeting.

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

11. OUTCOME LETTER – DISMISSAL ON NOTICE

NOT TO BE USED IN GROSS MISCONDUCT CASES

Dear [NAME]

Outcome of Disciplinary Meeting – Dismissal on Notice

I am writing to confirm the outcome of the Disciplinary Meeting held on [DATE].
Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- [INSERT DETAILS OF ALLEGATION PROVEN]

It has been further decided that these offences, whilst they do not in and of themselves amount to gross misconduct, are sufficiently serious to terminate your employment when taken together with previous warnings. Accordingly, your employment is being terminated in accordance with the notice provisions in your contract of employment which means your employment will end on [INSERT DATE].

[During this period, you are required to attend work.]

OR

[During this period you are not required to attend work and will be placed, in effect, on garden leave and will receive your pay and benefits for the remainder of your notice period. During your period of garden leave, you should not contact anyone at the Academy Trust Company without the prior permission of [the Chair of the Board of Directors of the Academy Trust Company. During this period you are bound by the terms of your contract of employment until the expiry of the notice period].

OR

[In accordance with the payment in lieu of notice clause the Board of Directors will be bringing your contract to an end with immediate effect.]

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to the Board of Directors of the Academy Trust Company setting out your grounds of appeal. Any appeal should be lodged within 10 Working Days of the date of this letter and therefore by [INSERT DATE]

In accordance with the Disciplinary Policy and Procedure I enclose a copy of the notes from the Disciplinary Meeting.

Yours sincerely

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

[NAME]

Chair of the Board of Directors of the Academy Trust Company

Enc. Notes from the Disciplinary Meeting.

[NB: ONLY THE ACADEMY TRUST COMPANY HAS THE POWER TO TERMINATE STAFF EMPLOYMENT. THIS POWER MAY HAVE BEEN DELEGATED TO A COMMITTEE OR TO AN INDIVIDUAL. PLEASE ENSURE THAT THE LETTER GIVING NOTICE OF TERMINATION OF EMPLOYMENT IS SIGNED BY THE BODY/PERSON WITH AUTHORITY TO EXERCISE THE POWER TO TERMINATE EMPLOYMENT.]

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

12. OUTCOME LETTER – DISMISSAL WITHOUT NOTICE OR TERMINATION PAYMENT

Dear [NAME]

Outcome of Disciplinary Meeting – Dismissal without Notice or Termination Payment

I am writing to confirm the outcome of the Disciplinary Meeting held on [DATE].
Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigation Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- [INSERT DETAILS OF ALLEGATIONS WHICH HAVE BEEN PROVEN]

It has been further decided that your actions and/or omissions amount to gross misconduct or have otherwise destroyed the trust and confidence required between the Academy Trust Company and you and, as such, your employment is terminated without notice or termination payment. Your employment is therefore terminated with immediate effect.

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to the Board of Directors of the Academy Trust Company setting out your grounds of appeal. An appeal should be lodged within 10 Working Days of the date of this letter and therefore by [INSERT DATE]. For the avoidance of doubt your dismissal takes place immediately and does not await the outcome of any appeal.

In accordance with the Disciplinary Policy and Procedure I enclose a copy of the notes from the Disciplinary Meeting.

Yours sincerely

[NAME]

Chair of the Board of Directors of the Academy Trust Company
Enc. Notes from the Disciplinary Meeting.

[NB: ONLY THE ACADEMY TRUST COMPANY HAS THE POWER TO TERMINATE STAFF EMPLOYMENT. THIS POWER MAY HAVE BEEN DELEGATED TO A COMMITTEE OR TO AN INDIVIDUAL. PLEASE ENSURE THAT THE LETTER GIVING NOTICE OF TERMINATION OF EMPLOYMENT IS SIGNED BY THE BODY/PERSON WITH AUTHORITY TO EXERCISE THE POWER TO TERMINATE EMPLOYMENT.]

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

13. OUTCOME LETTER – PROPOSED VOLUNTARY DEMOTION

Dear [NAME]

Outcome of Disciplinary Meeting – Proposed Voluntary Demotion

I am writing to confirm the outcome of the Disciplinary Meeting held on [DATE].

Having considered:

- (a) The Investigation Report;
- (b) The evidence produced by the Investigating Manager; and
- (c) The evidence produced by you, including any evidence of mitigation (if appropriate)

it has been decided that the following allegations have been proven:

- [INSERT DETAILS OF ALLEGATIONS WHICH HAVE BEEN PROVEN]

Having considered the matter, it appears that a recent promotion or job change has been a contributory factor in your misconduct and, accordingly, as an *alternative* to a [Final Written Warning] OR [dismissal on notice], we propose instead that you are demoted from your post of [CURRENT POST] at a salary of [£CURRENT SALARY] to the post of [PROPOSED POST] at a salary of [£PROPOSED SALARY] with effect from the date of your agreement to the proposal.

If you wish to agree to this voluntary demotion, please confirm your acceptance in writing to me within 5 Working Days i.e. by [INSERT DATE]. If I have not heard from you within 5 Working Days then I will write to you imposing the alternative sanction, being a [Final Written Warning] OR [dismissal on notice].

You have the right to appeal against this decision. If you wish to exercise that right of appeal, you should do so by writing to the Clerk to the Board of Directors of the Academy Trust Company setting out your grounds of appeal. An appeal should be lodged within 10 Working Days of the date of this letter and therefore by [INSERT DATE].

In accordance with the Disciplinary Policy and Procedure I enclose a copy of the notes from the Disciplinary Meeting.

Yours sincerely

[NAME]

Disciplinary Manager

Enc. Notes from the Disciplinary Meeting.

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

14. LETTER – RECEIPT OF APPEAL

Dear **[NAME]**

Receipt of Appeal

Thank you for sending me your appeal against the formal sanction imposed under the Academy's Disciplinary Policy and Procedure following the recent Disciplinary Meeting held on **[DATE]**.

Under the Disciplinary Policy and Procedure, the Directors' Appeal Panel will consider your appeal. This Appeal Meeting will take place on **[DATE]** at **[TIME]** which falls within the 20 Working Day period set out in the policy.

The Directors' Appeal Panel will comprise the following directors:

- **[INSERT PANEL MEMBER NAMES]**

If you consider yourself to be a person with a disability and there are reasonable adjustments you believe I can make to accommodate your disability in relation to my the Appeal Hearing, please do let me know as soon as possible.

You may be accompanied by a Companion who can be a trade union official, an accredited representative of a trade union or other professional association of which you are a member, or a willing work colleague who is not involved in this disciplinary issue. Note that your Companion cannot answer questions for you and you must notify me of their name at least the Working Day before the meeting, therefore by **[INSERT DATE]**.

[Should your appeal be successful, you will be reinstated with no break to your continuous service]

Yours sincerely

[NAME]

Clerk to the Board of Directors of the Academy Trust Company

cc. Appeal Manager

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

15. LETTER – OUTCOME OF APPEAL – NO CHANGE

Dear [NAME]

Outcome of Appeal

Further to the Appeal Meeting on [DATE], I can confirm, on behalf of the Directors' Appeal Panel, that it has been decided to uphold the original decision and to reject your appeal.

[In providing your grounds for appeal, you have not presented any new facts or information that had not already been taken into account when the decision was made].

OR

[The information you have provided in your grounds for appeal does not add anything material to the facts which would warrant further investigation].

There is no appeal against our decision.

Yours sincerely

[NAME]

Chair of Directors' Appeal Panel

cc. Disciplinary Manager

**CATHOLIC ACADEMY DISCIPLINARY POLICY AND PROCEDURE
TEMPLATE LETTERS**

16. LETTER – OUTCOME OF APPEAL – REDUCED SANCTION

Dear **NAME**

Outcome of Appeal

Further to the Appeal Meeting on [**DATE**], I can confirm, on behalf of the Directors' Appeal Panel, that the Panel has decided to reduce the formal sanction imposed on you following the Disciplinary Meeting.

Your sanction is reduced from:

[dismissal without notice to a Final Written Warning which will remain on your file for [**INSERT NUMBER OF MONTHS**] months from and including today, therefore until [**INSERT DATE**].

[In the event of any further misconduct, whether of a similar or dissimilar nature occurring or being discovered in this period (even if not discovered until after the end of this period), you will be subject to further disciplinary action which may involve dismissal.]

Please note that this process has not affected your continuous employment and associated rights.

OR

[a Final Written Warning to a First Written Warning which will remain live on your file for [**INSERT NUMBER OF MONTHS**] months from and including today, therefore until [**INSERT DATE**].

The decision to reduce the disciplinary sanction is based on a review of the facts, having regard to the information you have provided in your grounds for appeal. In particular [**INSERT REASONING BEHIND THE DECISION, WHICH SHOULD RELATE TO THE POINTS RAISED DURING THE APPEAL PROCESS**].

[In the event of any further misconduct, whether of a similar or dissimilar nature occurring or being discovered in this period (even if not discovered until after the end of this period), you will be subject to further disciplinary action which may result in either a Final Written Warning or dismissal.]

OR

[**INSERT ANY SANCTION TO NO SANCTION AT ALL IF THE DECISION OF THE DISCIPLINARY MANAGER IS TO BE OVERTURNED**].

Yours sincerely

NAME

Chair of Directors' Appeal Panel

cc. Disciplinary Manager