



Disciplinary Policy (Ref 29 MPTDSC)



Mosaic Partnership Trust

Disciplinary Policy (Ref 29 MPTDSC)



Disciplinary Policy (Ref 29 MPTDSC)

History of most recent policy changes

| Version | Date | Page | Change | Origin of Change |
|---------|------------|----------------|------------------------|--|
| 1.0 | 13.03.2025 | Whole Document | Creation of new policy | Adoption of Policy by the Mosaic Partnership Trust based on the model EPM policy |
| | | | | |
| | | | | |



Disciplinary Policy (Ref 29 MPTDSC)

CONTENTS

| | | |
|------------|---|-----------|
| 1. | Terms of Reference | 4 |
| 2. | Introduction | 4 |
| 3. | Equality and Diversity | 5 |
| | Part A – Informal Procedure | 5 |
| 4. | Informal Action | 5 |
| | Part B – Formal Procedure | 6 |
| 5. | Disciplinary Hearing | 6 |
| 6. | Formal Disciplinary Action | 7 |
| 7. | Gross Misconduct | 8 |
| 8. | Right of Appeal | 9 |
| 9. | Variation in Disciplinary Action | 9 |
| 10. | Trade Union Representatives | 10 |
| 11. | Confidentiality | 10 |



Disciplinary Policy (Ref 29 MPTDSC)

1. Terms of Reference

1.1. For all employees employed by the Mosaic Partnership Trust

1.2. Definitions

“Headteacher” also refers to any other title used to identify the Headteacher where appropriate including Executive Headteacher.

“Employee” refers to any employee, teaching and support, employed to work at the School.

“Senior Manager” refers to any employee delegated by the Headteacher to deal with a disciplinary matter under this procedure but will be required to be on the leadership spine within the school. The senior manager may only make a decision to issue up to and including a final written warning.

“Investigating Officer” refers to a senior manager or an external person appointed by the Headteacher or CEO.

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

“Academy Community Council Disciplinary Committee or a Trust Disciplinary Committee” may be convened to deal with a case where the Headteacher/CEO considers that they must act in the role of the senior manager. In this event, substitute ‘Headteacher’ with ‘Academy Community Council Disciplinary Committee’ throughout the procedure and ‘CEO’ with Trust Disciplinary Committee.

“ACC Appeal Committee or a Trust Appeal Committee” may be convened to hear an appeal against a written warning or dismissal. Where possible the number of ACC members or Trustees on the committee will be equal to, or greater than, the decision-maker/s of the case being appealed.

2. Introduction

2.1. This Disciplinary Procedure is designed to help and encourage all employees to achieve and maintain standards of conduct. The aim is to ensure consistent and fair treatment for all in the organisation.

2.2. Examples of the type of conduct that is considered to be misconduct or gross misconduct, which could lead to action under this Disciplinary Procedure, are set out in the Professional Expectations and Conduct Policy which applies to all employees and should be read in conjunction with this procedure.



Disciplinary Policy (Ref 29 MPTDSC)

- 2.3. This procedure is non-contractual and for guidance only. This procedure applies to all employees. It does not apply to agency workers or contractors.
- 2.4. This procedure may be implemented at any stage, as set out below, taking into account the alleged misconduct of an employee. Employees will not normally be dismissed for a first act of misconduct unless it is decided that it amounts to gross misconduct.
- 2.5. In cases against the Headteacher, the Chief Executive Officer has the power to discipline or dismiss the Headteacher in accordance with the procedure set out below.

3. Equality and Diversity

- 3.1. The procedure will be operated in accordance with the Trust's Equality and Diversity Policy and Statement. The school is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure will be monitored in accordance with the Equality Act 2010.

Part A – Informal Procedure

4. Informal Action

- 4.1. Managers should seek to resolve minor misconduct informally and as soon as it occurs. Management advice may be given to the employee by a senior manager or a line manager. Action will be taken under the formal procedure set out in Part B below if the matter is not resolved or, there is repeated minor misconduct or, where informal action is not appropriate (for example, because of the seriousness of the allegation).
- 4.2. There is no appeal against management advice given, which will not be placed on the employee's disciplinary record but should be confirmed in a written memorandum.
- 4.3. The written memorandum will set out the misconduct, the improvement that is required and, if appropriate, how this will be reviewed and during what timeframe. The employee may make a written comment on the memorandum if they have any objection to the informal action taken. A copy of the memorandum or a note of any informal discussions may be placed on the employee's personnel file.



Disciplinary Policy (Ref 29 MPTDSC)

Part B – Formal Procedure

5. Disciplinary Hearing

- 5.1. In the formal procedure, an investigating officer will need to formally work through an investigation and is usually the person that would then present a case to a Disciplinary Panel but could also be appointed to fulfil this role. At school level, the investigating officer would normally be the Headteacher in relation to school-based staff, at a Trust level this would normally be the CEO for both centrally employed staff and Headteachers. In the context of an investigation into the CEO, this would be undertaken by a Trustee. There may be times where an independent investigator is more appropriate to lead an investigation, this will be a matter for the Head, CEO or delegated Trustee to discuss with the HR provider. In this context the Investigating Officer performs the role on behalf of the Headteacher, CEO or Trustee providing them with the information necessary to then take to the next stage or not as appropriate.
- 5.2. The investigating Officer will need to communicate to any relevant personnel that they will need to attend an investigation meeting as part of the process.
- 5.3. The period of an investigation may vary but should take place as soon as practically possible from when the formal stage commenced, **ideally within 5 working days.**
- 5.4. If following an appropriate investigation by the relevant Investigating Officer on the facts that formal disciplinary action for misconduct is necessary, the Investigating Officer or person who commissioned the independent investigator, normally a senior manager will write to the employee to inform them as soon as practicably possible, **at least 10 working days in advance** of the hearing, setting out:
 - a) The date, time and place of the disciplinary hearing
 - b) The allegation/s and their possible consequences
 - c) The employee's right to be accompanied by their Trade Union representative or companion
 - d) The titles of enclosed copies of any documents to be used as evidence
 - e) The names of any witnesses to be called by the senior manager
 - f) Their right to call witnesses on their behalf
 - g) The name and position of any HR adviser who will accompany the senior manager at the hearing
 - h) The name and position of any note taker

(At the employee's request, an extra copy of this notice, together with any enclosures, should be provided for their companion)



Disciplinary Policy (Ref 29 MPTDSC)

- 5.5. The employee must advise the senior manager of the following **at least three working days in advance** of the hearing:
- a) The name and designation of their Trade Union Representative or companion
 - b) Provide any written documentation to be considered
 - c) The names of any witnesses that they wish to call
 - d) Any special requirements (e.g. disability, language requirements)
- 5.6. At the disciplinary hearing, before the senior manager and their HR Adviser, the employee (and their Trade Union Representative or companion) will be given a reasonable opportunity to state their case, to question the Investigating Officer where possible and any witnesses and, to call any witnesses and raise points about any information provided by witnesses.
- 5.7. Following the hearing, the senior manager will consider the matter and confirm the decision in writing to the employee and their Trade Union or companion as soon as possible and **usually within five working days** of the hearing, to include:
- a) The sanction (if any) and the period this will remain current which could be a first written warning, final written warning or dismissal
 - b) Their reasons for the decision
 - c) The change in behaviour required (if relevant) and the likely consequences of further misconduct
 - d) Right of appeal

6. Formal Disciplinary Action

6.1. First Written Warning

The senior manager may give the employee a first written warning, which will include a statement that any further complaint of misconduct occurring within the next twelve months that is found justified after a disciplinary hearing, will lead to a final warning or dismissal unless there are mitigating circumstances.

6.2. Final Written Warning

- 6.2.1. If a further complaint is made about the employee's conduct before the first written warning has expired, the same procedure (as in 5 above) will be followed.
- 6.2.2. The senior manager may give the employee a final written warning, which will include a statement that any further complaint of



Disciplinary Policy (Ref 29 MPTDSC)

misconduct occurring within the next 12 months that is found justified after a disciplinary hearing, will lead to dismissal unless there are mitigating circumstances.

6.3. Dismissal

- 6.3.1. If a further complaint is received before the final written warning has expired, the complaint will be referred to a hearing before the Headteacher/CEO/Trustee following the same procedure as in paragraph 5 above. The Headteacher/CEO/Trustee may be accompanied by an HR Adviser
- 6.3.2. If the Headteacher/CEO/Trustee decides the complaint is justified, they may decide to dismiss the employee. The Headteacher/CEO/Trustee will state the decision, the reasons and inform the employee of their right to appeal to an Academy Community Council Appeal Committee or Trust Appeal Committee. They will confirm the decision and right of appeal in writing to the employee (and their companion) as soon as possible and normally within five working days of the hearing. The Headteacher/CEO will record the outcome of their considerations, and the names of persons present at the hearing.
- 6.3.3. The Headteacher will notify the CEO of the Academy Trust in writing that the employee is to be dismissed, in the case of a Headteacher the Chair of Trustees and the CEO, the Chair of Trustees, whether the decision was with or without notice, or with pay in lieu of notice. The Trust is required to give written notice of dismissal to the employee within 14 days of notification by the Headteacher/CEO/Trustee.

7. Gross Misconduct

- 7.1. If the complaint is considered so serious that it may amount to gross misconduct, justifying dismissal without previous warning and without notice (see Disciplinary Rules), the employee may be informed by the Headteacher, the Chief Executive Officer or Trustee that they are suspended on full pay pending further investigation of the complaint.
- 7.2. If, following an investigation, the Investigating Officer considers that the facts of the case amount to a prima facie case of gross misconduct, the matter will be referred to the Headteacher/CEO/Trustee.
- 7.3. Following the same procedure as in paragraph five above, if on the conclusion of the disciplinary hearing the Headteacher/CEO considers the complaint



Disciplinary Policy (Ref 29 MPTDSC)

constitutes gross misconduct, they may decide to dismiss the employee without notice or pay in lieu of notice.

- 7.4. Where a suspension has taken place that suspension may only be lifted by the Headteacher in the context of school-based staff, the CEO in the context of a Headteacher or centrally employed staff and the Chair of Trustees in the context of the CEO.

8. Right of Appeal

- 8.1. The employee has a right of appeal against a decision to issue a warning or to dismiss.
- 8.2. Appeals against formal written warnings or dismissal should be made in writing to the Clerk to the Academy Community Council for school based staff or the Clerk to the Trustees for centrally employed staff including the CEO and Headteachers, stating the grounds for appeal in full, **within 10 working days of the date of the written decision**.
- 8.3. An appeal against a written warning (see paragraph 6.1 and 6.2) will be heard by the Academy Community Council's Appeal Committee or the Trust's Appeal Committee. The panel must have an HR Adviser present. The Committee may confirm the written warning, reduce a final written warning to a first written warning, or cancel the written warning.
- 8.4. An appeal against dismissal (see paragraph 6.3) will be to the Academy Community Council Appeal Committee or the Trust's Appeal Committee, none of whom shall have any previous involvement in the case. The Academy Community Council Appeal Committee or the Trust's Appeal's Committee must have an HR adviser present and will consist of 3 ACC members or 3 Trustees.
- 8.5. All appeal hearings will be held as soon as possible and, in normal circumstances, **within 10 working days** after receipt of the appeal. The Trust Governance Professional and Compliance Officer or a delegated clerk will usually undertake administrative arrangements for any required hearing or meeting. The outcome will be confirmed in writing as soon as possible and usually **within five working days** of the hearing. There will be no further right of appeal.

9. Variation in Disciplinary Action

- 9.1. If appropriate, the senior manager may decide to take informal action (as in Part A above) instead of giving a first written warning.
- 9.2. The senior manager may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.



Disciplinary Policy (Ref 29 MPTDSC)

- 9.3. Rather than dismiss, the Headteacher/CEO/Trustee may decide to issue no sanction or a lesser sanction.
- 9.4. In determining an appropriate sanction, consideration may be given to a change to role/duties which may impact on remuneration.
- 9.5. Where the Academy Community Council Appeal Committee or Trust's Appeal Committee overturns a decision to dismiss or to issue a written warning, they may substitute a lesser sanction. There is no right of appeal against such a decision of the Academy Community Council Appeal Committee or the Trust's Appeal Committee.
- 9.6. In the event that the Academy Community Council Appeal Committee or Trust's Appeal Committee decides not to uphold the decision to dismiss, the employee will be reinstated without loss of pay.

10. Trade Union Representatives

- 10.1. 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.

11. Confidentiality

- 11.1. All employees subject to disciplinary investigations or proceedings must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.