Staff Disciplinary Procedure 2026

EKC Schools Trust

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1. Policy Statement:

The Trust expects exemplary standards of behaviour, conduct and attendance from all its employees. The disciplinary procedure provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct. The aim is to ensure prompt, consistent and fair treatment of all employees and to assist in enabling both the employee and the Trust to be clear about the expectations of both parties.

This procedure applies to issues of alleged misconduct. The Appraisal and Capability procedure will be used to address issues of professional capability and competence. As appropriate these policies may be applied concurrently.

Appendix A outlines the framework for issues of alleged misconduct pertaining to senior postholders, Headteachers, the CEO and Executive Team.

This procedure applies to all employees of EKC Schools Trust. It does not apply to volunteers, contractors, agency workers or other individuals who are not employees of the Trust, who are subject to separate arrangements.

Employees who are serving a probationary period are subject to the Trust's probation arrangements, and the warning stages or a hearing will normally not apply in any case of misconduct or poor performance unless the Headteacher decides to operate a modified disciplinary procedure in any cases where they believe it is appropriate.

This policy should be read in conjunction with the Staff Code of Conduct and Equality and Diversity Policy.

2. Introduction

2.1. An employee has the right to be accompanied by a representative of a trade union or a fellow worker (a direct employee of the Trust) at formal disciplinary hearing, please refer to the role of the companion Section for further guidance). The Headteacher or CEO should remind the employee of the right to be accompanied prior to a disciplinary hearing.

2.2. In all cases of potential child or adult protection, the Academy's child protection lead and the DSL should be informed. Advice will be sought from the Local Area Designated Officer (LADO) and Senior Duty Social Worker before any course of action is considered.

2.3. In the interest of ensuring that disciplinary matters are resolved as speedily as possible, time limits normally applied are given for appropriate stages in this procedure. These are for guidance only and may be expanded if the circumstances warrant it in the opinion of the investigating officer. It may not always be practicable to adhere to these time limits. Due regard will be given to the personal circumstances of all parties involved in the procedure.

2.4. The employee will be advised of the nature of the complaint against them in writing and will be given the opportunity to state their case at a disciplinary hearing, following an investigation, before any decision is made.

2.5. Employees will be provided with a copy of any evidence and relevant witness statements in advance and at least five days prior (to be amended in exceptional circumstances) to a formal disciplinary hearing.

2.6. The Trust will digitally record formal meetings including investigation and disciplinary hearings to ensure an accurate and verbatim record of proceedings, supporting fairness, transparency and clarity for all parties involved. Recording will be confirmed in advance and at the meeting itself, and recordings will be handled in line with data protection requirements. No employee is permitted to make any recordings of any conversations or any investigation or disciplinary hearings and it will be considered gross misconduct if any covert recordings are made.

2.7. All witness statements and investigation notes will be signed by the relevant party as a true reflection of their statement or the meeting held. Any statements or notes taken from the employee under investigation will be made available to them as part of the investigation.

2.8. Due to the importance of fairness and maintaining the integrity of the investigation all parties interviewed or providing evidence within the process must sign a confidentiality agreement.

2.9. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct or gross negligence/dereliction of duty, when the penalty may be summary dismissal without notice or payment in lieu of notice.

2.10. An employee will have the right to appeal against any formal disciplinary action.

2.11. The Trust recognises that disciplinary procedures can be stressful for all parties involved. Appropriate support will be offered throughout the process, and employees are encouraged to access available welfare support, including Occupational Health.

2.12. Any reason for going "off sick" with stress whether with or without a Fit Note will be carefully scrutinised. It is recognised that anyone under suspension or advised they are being investigated for misconduct will be 'stressed'. They will still be required to attend any such meetings or hearings as advised.

Anyone suffering from a pre-existing serious stress-related illness or any other medical condition should not be coming to work and any such ill health is generally not regarded as an acceptable reasons for committing misconduct or gross misconduct or under-performing.

2.13. Reasonable adjustments will be made, where required, to support employees with any accepted concerns, evidenced disabilities, health conditions, or additional needs to enable them to participate fully and fairly in the disciplinary process.

3. Informal Procedure

3.1. It is part of the supervisory process that Headteachers, CEO and or line managers bring to the attention of the employees the standards required and any failure to meet those standards.

3.2. Cases of minor misconduct should be dealt with by the Headteacher (school staff) or CEO (central Trust staff) informally and without delay. The Headteacher or CEO must speak to the employee in private and should encourage them to conduct themselves in accordance with the required standards.

3.3. The purpose of these discussions is to ensure that the employee understands the

nature of the concerns, expectations of improvements in conduct and where appropriate timescales and the nature of any support available.

3.4. The outcomes of any discussions will be noted and retained on the employee's HR record as a point of reference and should remain there for a maximum of one year. A copy of any such file note will be given to the employee. Following a satisfactory outcome to the use of the informal procedure, the matter will be considered resolved. The note will be placed in a separate folder entitled 'Resolved' and may be referred to in the future when the same or a similar issue arises to rebut any claim that the employee was unaware that these issues or this behaviour were unacceptable.

3.5. Following a satisfactory outcome to the use of the informal procedure, the matter will be considered resolved. The note will be placed in a separate folder entitled 'Resolved' for a period of 12 months and may be referred to where the same or similar issue arises in the future during that period in order to be able to rebut any claim that the employee was not aware that these issues or this behaviour was unacceptable.

3.6. If the incident that invokes the informal procedure refers to Safeguarding, a note will be kept irrespective of outcome in a confidential file indefinitely and would be referred to where any other issues arise in the future.

3.7. However, where an issue has been discussed with an employee informally and if:

- The issue has not been resolved and the problem persists and/or;
- The required improvements in conduct are not achieved and/or;
- Further information becomes available during discussions which make the matter sufficiently serious;

then the formal procedure should be invoked.

4. Investigations

4.1. No disciplinary action will be taken against an employee until the Headteacher or CEO has fully investigated the circumstances of the matter complained of, having regard to the employee's response to allegations.

4.1.1. Before initiating a formal investigation, an initial assessment will be undertaken to establish the immediate facts and determine the appropriate course of action. *This initial fact-finding stage is intended to support early understanding and determine whether the formal disciplinary procedure needs to be invoked.* The initial assessment will consider:

- whether the matter relates to misconduct or professional capability - In some circumstances, procedures may run concurrently.
- whether there are any safeguarding considerations requiring immediate escalation;
- whether the matter may be resolved informally; or
- whether a formal investigation is required.

A brief record of the preliminary enquiries will be maintained, in line with data protection principles, to ensure transparency and accountability. This stage does not form part of the formal disciplinary process.

4.2. The Headteacher or CEO will inform the employee as soon as possible that an investigation is to be conducted and once the investigation has been concluded will advise the employee in writing if the formal procedure is implemented. If the investigation is on-going for more than four weeks, the employee will be advised in writing that the investigation has not yet been concluded.

In some cases the employee concerned will be invited to an investigation meeting to be asked some questions in order to help gather the facts. As this meeting will not result in disciplinary action the employee will not be accompanied by any representative (see below)

4.3. The purpose of the investigation is to:

- Establish the nature of the allegations
- Gather evidence to enable a decision to be taken on whether there is a disciplinary case to answer.
- Consider if the matter should proceed to a formal hearing

4.4. The Trust offers the employee the opportunity to be accompanied by a fellow worker or trade union representative at an investigation meeting.

4.5. Depending on the circumstances of the allegations, it may not always be necessary to conduct an investigation meeting with the employee. If a meeting is held, the Headteacher or CEO will give the employee advance warning and reasonable time to prepare. This is the recommendation of ACAS. If a meeting is held, the Headteacher or CEO will give the employee as much advance warning as possible of the hearing.

4.6. The Headteacher or CEO will arrange a suitable leader from the school or Trust to conduct an investigation with HR support. This could be a member of HR, a senior leader within the school or another Headteacher or senior post holder in the Trust. If the Headteacher, CEO or Executive Team is being investigated, this will be carried out as per Appendix A. The Trust should ensure that the person conducting the investigation is different to the person chairing any subsequent disciplinary hearing and that peers are not permitted to investigate each other.

4.7. All personnel carrying out an investigation and/or presenting a case at disciplinary hearing competent to do so.

4.8. The outcomes of an investigation may be:

- There is no case to answer and therefore no disciplinary action is taken.
- The matter is dealt with informally, if appropriate with support and/or training to resolve the matter.
- Recommendation that there is a disciplinary case to answer and a disciplinary hearing should be arranged and at what stage, e.g. at the final stage, Gross Misconduct.

If appropriate, the Headteacher or CEO may suspend the employee, in accordance with Section 4 below, whilst the investigation is carried out.

5. Suspension

5.1. There may be circumstances during an investigation where suspension from duty pending the holding of a formal disciplinary hearing may be appropriate.

Examples of circumstances in which suspension may be appropriate, depending on the facts of the situation include: allegations of serious misconduct cases; where there are risks to an employee's or to pupils property or to property belonging to a third party; or where there are reasonable grounds for concern that evidence may be or has been tampered with or destroyed; or witnesses pressurised or otherwise intimidated or where there is serious concern that this may occur. It may also be necessary to suspend someone where their health and wellbeing is a concern or to ensure parties remain separated during the investigation.

5.2. The decision to suspend can be made by the Trust CEO, or Academy Headteacher.

5.3. Suspension should only be imposed after careful consideration and as a last resort and it should be made clear to the employee that it is not considered a disciplinary sanction but rather a neutral act to safeguard the employee or others.

5.4. If a decision is made to suspend an employee from duty, the CEO or Headteacher will:

a) Confirm the suspension in writing to the employee without unreasonable delay.

b) Inform the employee in writing of the reasons for the suspension without reasonable delay.

5.5. A period of suspension pending a disciplinary hearing should be kept as brief as possible and will be kept under regular review to ensure it remains appropriate.

5.6. An employee who is suspended from duty shall, throughout the period of suspension, continue to be entitled to their normal pay.

5.7. If you are suspended and you then self-certify or send a Fit Note during your suspension, certifying you unfit for work, we reserve the right to pay you only the sick pay to which you are entitled (either statutory sick pay or occupational sick pay).

5.8. Please note that during any period of suspension, you will only be paid sick pay where you have a Fit Note from your doctor or other medical professional or you self-certify that you are either physically or mental/emotionally/psychologically unfit for work, e.g. because of 'stress' or 'anxiety' or 'depression'.

5.9. We will deem this to be sickness absence for the purposes of pay but you will still be suspended under the disciplinary procedure with all the conditions that attach to suspension. You will still be expected to attend any meeting or hearing, whether in person or via virtual means such as Microsoft Teams or answer our questions in writing.

5.10. Please also note that if you go off sick and provide a Fit Note or self-certify, but you are not suspended, and the trigger for your sickness absence is notification of a disciplinary or performance issue, or you have been requested to attend an investigation meeting or disciplinary hearing, you will still be expected to attend

such a meeting. This may be in person, via virtual means or to answer our questions in writing. This is because being requested to attend a meeting, does not qualify as a requirement for you to work.

5.11. For the avoidance of any doubt if a union representative is subject to suspension then their union duties will also be suspended and they will not under any circumstances be permitted to attend School or discuss any case with any other teacher or member of staff.

5.12. The Union General Secretary will be informed if a union representative is under suspension and will be given brief details and will be asked to nominate a regional official to assist its members whilst the union representative is suspended.

6. Formal Procedure

6.1. Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the Headteacher or CEO considers informal action to be inappropriate, formal action will be initiated.

6.2. Investigation of the facts will be conducted to determine whether there is a disciplinary case to answer.

6.3. If, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct, the Headteacher or CEO will invite the employee to attend a disciplinary hearing. The employee will be advised in writing of the nature of the alleged misconduct, the possible consequences of the hearing and provided with any relevant evidence to enable the employee to prepare for the hearing. The Headteacher or CEO will write to the employee with all the above information at least 5 working days before the hearing. The written notification should also detail the date and venue of the hearing and the employee's right to be accompanied.

6.4. If the employee wishes to call relevant witnesses or present additional evidence to the hearing, they should provide names and/or copies of any evidence to the Headteacher or CEO at least two working days in advance of the hearing. The chair of the panel may, at their discretion, refuse any evidence that is presented after this deadline. The employee will be informed prior to the hearing if the Headteacher or CEO intends to call relevant witnesses. For reasons of Professional ethics, reliance on pupil witnesses will be considered by the chair responsible for the hearing on the relevance of the evidence on the particular facts of the case. **"Relevant" in this context means someone who heard or saw something connected to the misconduct or poor performance issue.**

6.5. Before the hearing takes place (at least two days prior), the employee should inform the Trust whom they have chosen as a companion. The Headteacher or CEO reserve the right to refuse entry to a companion who has not been notified prior to the hearing and/or it is deemed a conflict may arise by the choice of companion. See the section below about the role of the companion for more details.

6.6. At any disciplinary hearing, the employee will be given an opportunity to state their case and will have the right to be accompanied by the trade union representative or fellow worker of their choice, subject to a reasonable request being made (please refer to the role of the companion Section for further

guidance). However, if the chosen companion of the employee is unavailable on the date of the initial hearing, the employee may request a delay of the date of that hearing once by up to 5 working days to enable the chosen companion to attend. The location and timing of any alternative hearing should be convenient to both the employer and the employee, and every effort will be made to accommodate a request to delay however, this should not unduly delay the process. The employee may need to reconsider their choice of companion in the event of their extended unavailability causing a further delay to the hearing.

6.7. Representatives of the Trust, the employee and the employee's companion should make every effort to attend the hearing. If the employee fails persistently (i.e., more than twice), without good reason, to attend a disciplinary hearing which the Headteacher or CEO has instructed him or her to attend, the hearing will take place, and a decision will be made, in their absence. In other circumstances where it seems likely that for a lengthy period, the employee will be unable to attend a disciplinary hearing, the Headteacher or CEO reserves the right to go ahead with that hearing, affording the employee the right to either attend by telephone or to submit written representations and/or to be represented by a fellow worker or trade union representative.

6.8. The disciplinary hearing will usually be chaired by a senior leader within the Trust (Headteacher, CEO or panel of Governors) with authority to dismiss should dismissal be deemed as the appropriate sanction.

6.9. The leader who conducted the investigation will normally attend in order to present the findings of the investigation and any supporting material.

6.10. When determining the appropriate outcome, the panel will consider firstly whether on the balance of probabilities the offence occurred and then secondly the appropriate penalty including any relevant mitigating factors, which may include the employee's explanation, length of service, past disciplinary record ie spent warnings, current disciplinary warnings and conduct and attitude during the process, and any personal circumstances that are relevant to the case.

6.11. The outcome of the disciplinary hearing will be confirmed in writing to the employee at the earliest opportunity, usually within 5 working days. Where disciplinary action is the outcome, the employee will be informed of the nature of the action and the right to appeal under this procedure. The chair of the hearing will establish how the employee would like to be notified of the outcome.

6.12. Where an employee resigns during a disciplinary process, the Trust may decide to continue and conclude the procedure where it is considered appropriate to do so. This may include circumstances involving safeguarding, professional conduct, or matters that may have implications for future employment or regulatory responsibilities.

6.13. Where an employee raises a grievance during a disciplinary process, consideration will be given to whether the grievance is related to the disciplinary matter. Where appropriate, the grievance may be addressed as part of the disciplinary process. Where it is unrelated, it may be managed separately or concurrently, following advice from HR.

7. Formal Levels of Disciplinary Sanctions

7.1. There are three stages in the formal disciplinary procedure with various sanctions depending on the gravity of the case and/or the on-going nature of the misconduct.

7.2. Normally the stages described in this Section will be cumulative; however, the Trust reserves the right to implement the procedure at stage 2 or 3 if the employee's alleged misconduct warrants this. The right will also apply in circumstances where an employee commits a further act of alleged misconduct that is sufficiently serious, whilst a formal warning is in place.

Stage 1: First Written Warning

7.3. If it is established through the disciplinary hearing that an employee's conduct does not meet the acceptable standards, the employee will normally be given a formal first written warning by the Chair of the panel.

7.4. The written warning will give details of the employee's misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will clarify that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 2 will be considered. However, the employee will also be advised that if any further act of misconduct is sufficiently serious, the Trust reserves the right to go to a further stage in the procedure. The written warning will also advise the employee of the right of appeal in accordance with Section 8 below.

7.5. A copy of the written warning will be placed on the employee's HR record. The warning will be spent and will be disregarded for disciplinary purposes after 6 months, subject to the employees' conduct having been satisfactory throughout that period. The warning will be placed in a separate folder entitled spent warnings and may be referred to in case of selection for redundancy or where the same or similar offence is committed in the future.

Stage 2: Final Written Warning

7.6. A final written warning will normally be given to the employee by the Chair of the panel if:

a) the employee fails to comply with a first written warning given under Stage 1;

b) despite having been given, under Stage 1, a first written warning as the result of misconduct, the employee commits a further offence of misconduct; or

c) the employee's misconduct, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant a final written warning.

7.7. The final written warning will give details of the employees' misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will state that, if the employee commits a further offence of misconduct, during the period specified, action under stage 3 will be considered. The final written warning will also advise the employee of the right of appeal in accordance with Section 8 below.

7.8. A copy of the written warning will be placed on the employee's HR record. The

warning will be spent and will be disregarded for disciplinary purposes after 12 months (although, in exceptional cases, the period may be longer), subject to the employee's conduct having been satisfactory throughout that period. The warning will be placed in a separate folder entitled spent warnings and may be referred to in case of selection for redundancy or where the same or similar offence is committed in the future in order to be able to rebut any claim that the employee was not aware that these issues or this behaviour was unacceptable.

Stage 3: Dismissal

7.9. The Headteacher or CEO may, following a disciplinary hearing, give notice of dismissal to the employee if:

a) the employee fails to comply with a final written warning given under Stage 2;

b) or despite having been given, under Stage 2, a final written warning as the result of misconduct, the employee commits a further offence of misconduct.

c) If allegations are raised which are so serious as to constitute gross misconduct, such as those in Section 7 below.

7.10. The letter requiring attendance at the formal disciplinary hearing shall include a statement of the alleged misconduct and warn the employee that one consequence of the hearing may be the termination of their employment with or without notice.

7.11. The Headteacher or CEO conducting and hearing the case will consider all representations then decide if on the balance of probabilities, the allegation(s) are proved and if so what level of disciplinary sanction, including and up to dismissal, is appropriate. On the basis of the information presented the manager may decide:

- To dismiss the employee (without notice in the case of gross misconduct).
- That there is insufficient grounds to dismiss the employee under this procedure.
- On the imposition, extension or renewal of a warning or final written warning issued under this procedure or to have two warnings running concurrently.
- On the removal of any title or office held in addition to the substantive post.
- On the transfer of an employee to an alternative post with the Trust.
- That matters be considered under an alternative procedure.
- As an alternative to dismissal, and where appropriate, the Trust may consider other sanctions, including but not limited to redeployment, removal of additional responsibilities, demotion including reduction in salary, or extension of a warning, where this is considered a proportionate response.

The above list is not exhaustive and the outcome may be varied according to their circumstances of the case.

7.12. The decision will be communicated in writing to the employee and will specify the reasons for the decision and if relevant the date on which the employment will terminate. The communication must also notify the employee of their right of

appeal against the decision in accordance with Section 8 below.

8. Gross Misconduct

8.1. The Headteacher or CEO may summarily dismiss the employee without notice or pay in lieu of notice if, on completion of an investigation and a disciplinary hearing, it is established that the employee has been guilty of gross misconduct.

8.2. In the event of summary dismissal, the Headteacher or CEO, without unreasonable delay, will provide the dismissed employee with a written statement of the alleged misconduct which has led to the dismissal and the reasons why the Headteacher or CEO consider that the employee was guilty of such misconduct. The Headteacher or CEO will also notify that employee of the right to appeal against the dismissal.

8.3. The following offences are examples of offences which are normally regarded as gross misconduct:

a) Theft or attempted theft or unauthorised possession of any property or facilities belonging to the Trust, or to any employee or student.

b) Fraud.

c) Serious damage deliberately sustained to Trust property or 3rd party.

d) Deliberate falsification of Trust or Academy registers, reports, accounts, expense claims or self-certification forms.

e) Bribery or corruption.

f) Deliberate refusal to carry out duties or reasonable instructions or to comply with Trust rules.

g) Gross dereliction of duty

h) Serious acts of insubordination.

i) Gross incompetence

j) Serious negligence/incompetence which causes unacceptable loss, damage or injury.

k) Serious incapability and/or misconduct as a result of being intoxicated by reason of alcohol or illegal drugs.

l) Bringing into school any alcohol or illicit substances.

m) Violent, dangerous or intimidatory conduct.

n) Bullying.

o) Violation of the Trust's or Academy rules and procedures concerning health and safety at work.

p) Discrimination or harassment, (including sexual harassment)

q) A criminal offence, which may (whether it is committed during or outside the employees' hours of work for the Trust) adversely affect the Trusts reputation, the employee's suitability for the type of work they are employed by the Trust to perform or their acceptability to other employees or to students.

r) Deliberately accessing internet sites containing pornographic, offensive or

obscene material.

s) Breach of confidentiality including removing documents belonging to the Trust or Academy, transferring data to a personal email account or to any other external email or cloud/server without express written permission to do so; destroying data belonging to the Trust unless expressly authorised in writing to do so.

t) Serious breach of Data Protection

u) Any serious act or omission which affects to the detriment or harms or is likely to harm any student or member of staff or third party.

v) Dishonesty of any kind including lying, deceit, fraud, forgery etc.

w) Abuse of power.

x) Corruption or corporate fraud.

The above list of examples is not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

In determining whether behaviour constitutes gross misconduct and what sanction is appropriate, the Trust will consider the specific circumstances of the case, including the nature of the role, the seriousness of the conduct, any mitigating factors, and the employee's disciplinary record, whether past or current.

9. Appeal

9.1. An employee who wishes to appeal against a disciplinary decision must do so within 10 working days after receiving and reading the decision. An email with a read receipt and a letter sent 'signed for' is the best way to evidence this. To do so, the employee should inform the CEO in writing, stating the grounds for appeal. Where the original hearing was heard by the Headteacher it will be heard by the CEO.

9.2. In the event that an outcome was decided by the CEO, the appeal will be heard by a panel of Trustees.

9.3. The appeal hearing will be held as soon as reasonably practicable after the notice to appeal has been received. The employee will be given at least five days' notice of the hearing date to allow him or her to prepare for the hearing.

9.4. At the appeal hearing the employee will be given the opportunity to state their case and has the right to be accompanied by a representative of a trade union or fellow worker (please see the role of the companion Section for further guidance).

9.5. If the chosen companion of the employee is unavailable on the date of the initial hearing, the employee may delay the date of that hearing once by up to 5 working days to enable the chosen companion to attend. The location and timing of any alternative hearing should be convenient to both the employer and the employee, and every effort will be made to accommodate a request to delay however, this should not unduly delay the process. The employee may lose the right of appeal in the event that the hearing is delayed more than once

for reasons of availability of the employee or their chosen companion.

9.6. At the appeal, the disciplinary penalty imposed will be reviewed, i.e., confirmed or downgraded, but it cannot be increased. A further hearing of the facts can be convened but only where it is accepted that the original disciplinary hearing was unfair, prejudiced or biased. The appeal decision will be notified to the employee in writing within five working days following the appeal hearing. The appeal decision is final.

10. The Role of the Companion

Employees have a statutory right to be accompanied by a companion where the disciplinary hearing could result in:

- A formal warning being issued; or
- The taking of some other disciplinary action; or
- The confirmation of a warning or some other disciplinary action (appeal hearings)

The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by the trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. Workers may also alter their choice of companion if they wis. Legal representation is not permitted.*

As a matter of good practice employees should bear in mind the practicalities of the arrangements. For instance, an employee may choose to be accompanied by a companion who is suitable, willing and available on the site rather than someone from a geographically remote location.

To exercise the statutory right to be accompanied employees must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

An employee may ask an official from any trade union to accompany them at a disciplinary hearing, regardless of whether or not they are a member or if the Trust recognises the union. However, union ID should be shown upon request.

The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

*There may be an exceptional circumstance only where consideration will be given to permission for a legal representative to accompany a professional member of staff to a disciplinary hearing where the matter under discussion is exceptionally serious and which could lead to regulatory proceedings and being erased from the professional register i.e. the alleged offence may lead to the member of staff being disqualified from practising or continuing their professional role.

11. Data Protection

Under the terms of the Data Protection Act 2018, staff have the right to view what is recorded about them and may request their personal data under the terms of a Data Subject Access Request. However, in cases where a witness does not wish to be identified and does not give consent for their statement/data to be shared, EKC Schools Trust reserves the right to withhold this information. Where other witnesses give their consent but the personal data of a non-consenting witness cannot be redacted to the extent of protecting the identity of that witness, all witness statements may be withheld but the substance of what the witness has said will be relayed to the employee at the hearing so they may have the right of reply. This practice is acceptable under the terms of the Data Protection Act and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

Appendix A

Senior Post Holders

The principles and provisions of the Disciplinary Procedure apply to all staff. This appendix outlines the framework for dealing with issues of alleged misconduct of senior postholders, Headteachers, CEO and Executive Team. Unless otherwise stated all other provisions and timescales are as per the body of the procedure above.

General Principles

Suspension - When the CEO (or Chair of Trustees in the event the allegation is against the CEO) is of the view that a Senior Post Holder may be guilty of misconduct or that, because of some other good and urgent cause, e.g. potentially harming the investigation in some way, or the continuing attendance of the Senior Post Holder would not be considered safe or sensible, the CEO or Chair of Trustees may suspend the Senior Post Holder from duty pending the holding of a formal disciplinary hearing.

Matters Relating to the Headteacher

Informal action is the responsibility of the CEO.

Formal hearings will be heard by the CEO and a panel of one or more governors who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more Trustees who have had no prior involvement in the matter under consideration.

Matters Relating to the CEO

Informal action is the responsibility of the Chair of Trustees.

Formal hearings will be heard by Vice Chair of the Board of Trustees and a panel of one or more Trustees who have had no prior involvement in the matter under consideration.

Appeals will be heard by the Chair of the Board of Trustees and a panel of one or more Trustees who have had no prior involvement in the matter under consideration.

Matters Relating to a Member of the Executive Team

Informal action is the responsibility of the line manager.

Formal hearings will be heard by the CEO and a panel of one or more Trustees who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more Trustees to include the Chair, who have had no prior involvement in the matter under consideration.

Addendum: Written Submissions, Length and Use of AI

To ensure grievances and appeals (grievance and disciplinary appeals) can be considered fairly and efficiently, all written submissions registering a grievance or appeal must not exceed two A4 pages. Documents exceeding this limit may be returned to the employee and resubmission requested within the page limit.

Employees may use generative AI tools to assist with drafting documents. However, responsibility for the content always remains with the employee. Any submission, whether drafted personally or with AI assistance, must:

- comply with the requirements of this procedure and any guidance issued by the Trust;
- in the case of grievances, clearly identify:
    - the date of the incident or discussion;
    - two or three sentences of what was said or written or happened;
    - how it made you feel;
    - when and whether you reported this and to whom;
    - whether there were any witnesses and if so their names;
    - Where the incident or discussion took place
- in the case of appeals, clearly identify the grounds of appeal, normally being:
    - procedural unfairness or bias;
    - significant new evidence that was not reasonably available at the original hearing; or
    - a sanction that is disproportionate to the circumstances;
- be checked carefully for factual accuracy and ensure that evidence, dates, events, and any references to policy are correctly stated;
- focus on the key issues relevant to the case, presenting arguments clearly and concisely without unnecessary repetition; and
- not be submitted without appropriate review and verification by the employee.

Where a submission does not comply with these requirements, including where it is excessively lengthy, repetitive, inaccurate, or appears to have been generated using AI without adequate review, the Trust may return the document and request that it is revised before it is considered.