
DIOCESE OF
ST ALBANS
MULTI-ACADEMY TRUST

Trust Disciplinary Policy

Policy type	Trust wide: Tier 1
Review	Three yearly
Author/Responsible Officer	Head of People
Approved by	Trust Board
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This policy is a mandatory policy for all DSAMAT Academies and must be implemented without any amendments

Enabling all to flourish: Rooted in God's love



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Our mission, vision and values

The Trust has a clear **mission** at its core, ensuring that all pupils are enabled to flourish, rooted in God's Love - academically, socially, spiritually, physically and mentally. This is central to our work and rooted in our Christian foundation (John 10 v 10). Our commitment to mutual flourishing within the school community is built upon our shared belief in Church of England principles. In our Trust, just as in the wider Church of England community, 'flourish' refers to prospering, thriving and growing – not shrinking out and dying. It means prayerfully encouraging all within our schools so that they might prove fruitful, successful and contented in the longer term. We seek to provide space generously for all to flourish in life and all of its structures. Equitable treatment for all pupils, staff and the wider community is a core part of enabling this long term, holistic flourishing.

We have a clear **vision** about creating successful schools for the benefit of their communities and we expect any school in the Trust to continuously improve. All schools provide rich and diverse curricula which evolve to meet the needs of their children and local communities, as well as delivering educational excellence to enable them to continue to flourish in later life.

The way we work and deliver against our mission is critical to our Trust. We have shared, agreed **values** of:

Hope; Nurture; Equality; Respect; Collaboration

The Trust's vision is underpinned by a Christian values framework which is adopted by all schools. It provides clear expectations for all Trust employees on how we wish our values to impact on all areas of school life. It draws on, and is informed by, the National Church of England Vision for Education and the Diocesan Board of Education Vision.

Each school within the Trust has a personalised vision for education, developed locally to reflect the individual character and needs of the school community. This vision is underpinned by the Trust's wider vision, and agreed with the Trust, but it is owned and driven by the headteacher and their LGB.

Our community

The Trust are dedicated to delivering education that serves local communities. Our schools are inclusive, welcoming those from all and no faiths, from all abilities and backgrounds. We believe in providing a high-quality education, underpinned by Christian values, which enables every child to flourish.

Underpinning all of the Trust's work is a belief in educational excellence. The Trust serves all stakeholders by providing schools with the highest levels of academic rigour and pastoral care.



Our schools are places where children and young people develop and thrive intellectually, socially, culturally and spiritually. All of the Trust's schools teach a broad and balanced curriculum within national guidelines focusing on core skills. This is designed to ensure that all pupils reach their academic potential and seek to enrich their experience along the way. Pupils will be enabled to succeed in an atmosphere of high expectation, aspiring to educational excellence with a firm foundation of values.

This policy forms part of our Trust governance and ensures that we are held to the highest standards as we carry out our duties.

Statement of Intent

This is the Diocese of St Albans Multi-Academy Trust (DSAMAT) Disciplinary policy and must be implemented and adhered to in each of the academies within the Diocese of St Albans Multi Academy Trust along with those working within the central team.

This policy will also be implemented and adhered to from the first day of any other academy joining the Trust. For the remainder of this document, the Diocese of St Albans Multi Academy Trust will be referred to as DSAMAT.



INTRODUCTION

- 1.1. The aim of this policy is to help and encourage all employees to achieve and maintain standards of conduct and to ensure consistent and fair treatment for all employees in the Trust.
- 1.2. Examples of the type of conduct that is considered to be misconduct or gross misconduct, which could lead to action under this procedure, are set out in the disciplinary rules in Appendix A and should be read in conjunction with this procedure.
- 1.3. 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.
- 1.4. Senior Leader within the school refers to the employees, Assistant Headteacher or above. Senior Leader within the Trust refers to any manager at 'Head of Service' level or above
- 1.5. If the disciplinary is related to the Headteacher or above, the case will be heard by the COO or CEO. If the disciplinary is related to the COO, the case will be heard by the CEO or Trust Board. If the disciplinary is related to the CEO, the case will be heard by the Chair of the Board or Trustees.
- 1.6. Dismissal cases involving the COO or CEO will be heard by a panel. The panel will consist of three Trust Board Members

INFORMAL PROCEDURE

- 1.7. Trust leaders should seek to resolve minor misconduct informally and as soon as it occurs. Management advice may be given to the employee by their Line Manager, Senior Leader or Headteacher. Action will be taken under the formal procedure set out 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).
- 1.8. There is no appeal against management advice given, which will not be placed on the employee's disciplinary record but should be confirmed in writing.
- 1.9. The written letter 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 letter if they have any objection to the informal action taken. A copy of the letter or a note of any informal discussions may be placed on the employee's personnel file.



FORMAL PROCEDURE - DISCIPLINARY HEARING

- 1.10. If, following appropriate investigation by the Investigating Officer, the Line Manager or Senior Leader considers based on the facts that formal disciplinary action for misconduct is necessary, they will write to the employee to inform them that a disciplinary hearing will take place.
- 1.11. A disciplinary hearing constitutes a formal meeting and employees will be given to right to representation by a Trade Union representative or a fellow work colleague.
- 1.12. The employee will be advised of their right to call witnesses on their behalf and will be required to provide name/s and make arrangements for their attendance.
- 1.13. At the disciplinary hearing before the Line Manager or Senior Leader, the employee, and their 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.
- 1.14. When confirming the outcome of the disciplinary hearing, the Line Manager or Senior Leader will include:
 - 1.14.1. The sanction (if any) and the period this will remain current
 - 1.14.2. The reasons for the decision
 - 1.14.3. The change in behaviour required (if relevant) and the likely consequences of further misconduct
 - 1.14.4. Right of appeal

FORMAL PROCEDURE – DISCIPLINARY ACTION

1.15. First Written Warning

- 1.15.1. The Line Manager or Senior Leader 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 unless there are mitigating circumstances.

1.16. Final Written Warning

- 1.16.1. If a further complaint is made about the employee's conduct before the first written warning has expired, a further investigation will be undertaken which may lead to a further disciplinary hearing



- 1.16.2. The Line Manager or Senior Leader may give the employee a final 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 dismissal unless there are mitigating circumstances.
- 1.16.3. If the complaint is considered serious enough, a final written warning may be issued without previous warning.

1.17. Dismissal

- 1.17.1. If a further complaint is received before the final written warning has expired, the complaint will be referred to a hearing before the Senior Leader, CEO or COO following the same procedure as is detailed above.
- 1.17.2. If the Senior Leader, CEO or COO decides the complaint is justified, they may decide to dismiss the employee.

GROSS MISCONDUCT

- 1.18. 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, Appendix A), the employee may be informed by the Headteacher (school-based employees), in discussion with the Head of People, CEO or COO, that they are suspended on full pay pending further investigation of the complaint. A decision to suspend will only be taken after full consideration of the facts and associated risks and consideration of alternative options.
- 1.19. 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 a Senior Leader, CEO or COO.
- 1.20. Following the same procedure for disciplinary hearings, if on conclusion of the gross misconduct disciplinary hearing the Hearing Manager, in conjunction with the Head of People, CEO or COO considers the complaint constitutes gross misconduct, they may decide to dismiss the employee without notice or pay in lieu of notice.
- 1.21. Where a suspension has taken place that suspension may only be lifted by the Headteacher in discussion with the Head of People, CEO or COO.

RIGHT OF APPEAL

- 1.22. The employee has a right of appeal against a decision to issue a warning or to dismiss.



- 1.23. Appeals against formal written warnings or dismissal should be addressed to people@stalbandsmat.co.uk
- 1.24. An appeal against a written warning will be heard by a member of the school leadership team or a suitable Senior Leader within the Trust. In some cases the Trust may engage an external advisor to hear the appeal.
- 1.25. The appeal decision can confirm or overturn the original decision, or apply a greater, lesser or alternative sanction.

VARIATION IN DISCIPLINARY ACTION

- 1.26. If appropriate, the Line Manager or Headteacher may decide to take informal action instead of giving a first written warning.
- 1.27. The Line Manager or Headteacher may decide the misconduct is so serious that it justifies a final written warning, without any previous written warning having been given.
- 1.28. Rather than dismiss, the Senior Leader, CEO or COO may decide to issue no sanction or a lesser sanction.
- 1.29. In determining an appropriate sanction, consideration may be given to a change to role/duties which may impact on remuneration.

APPENDIX A – DISCIPLINARY RULES FOR ALL EMPLOYEES

1. Purpose

The disciplinary rules are intended to give examples of the type of conduct that is considered to be misconduct or gross misconduct, and which could lead to action under our disciplinary procedure.

2. Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our organisation or reputation or irreparably damage the working relationship and trust between us. If you are suspected of committing an act of gross misconduct, you may be suspended with full pay pending investigation. Gross misconduct will be dealt with under our disciplinary procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following are examples of matters that are normally regarded as gross misconduct. This list is intended as a guide and is not exhaustive:

- 2.1 Behaviour that has or may have harmed a child* or, behaviour towards a child or children that indicates you would pose a risk of harm to children, for example:



- Sexual behaviour towards or relations with a pupil
- Physically harming a pupil
- Criminal offences related to or against a child

***Child/children relates to anyone under the age of 18.**

- 2.2 Criminal activities or offences, whether committed at work or not, that may affect our reputation or otherwise affects your suitability and/or ability to continue in employment.
- 2.3 Sexual misconduct, whether at work or not and, whether criminal or not.
- 2.4 Acts of physical or threatened violence, vandalism, bullying or, behaviour which provokes violence.
- 2.5 Possession, use, supply or attempted supply of illegal drugs or any other inappropriate substances, whether illegal or not.
- 2.6 Being under the influence of alcohol or other substances that make you unfit to perform your duties during working time, or illegal use of drugs at any time.
- 2.7 Deliberately accessing internet sites containing pornographic, offensive or obscene material on our equipment or during working time.
- 2.8 Communicating offensive, obscene or unauthorised sexually explicit material whether verbally, written, in electronic communication, or by social media.
- 2.9 Serious negligence, serious neglect of duties or, a serious or deliberate breach of your conditions of employment, operating procedures, public examination rules, DfE statutory requirements, statutory rules affecting your work or, Health and Safety rules, for example:
 - Failure to comply with the Prevent Duty
 - Failure to report safeguarding concerns
 - Failure to exercise proper control or supervision of pupils
 - Disclosure of restricted public examination material or content
 - Falsifying sickness absence
 - Taking leave when permission denied
 - Absent without leave
 - Ignoring handling instructions/responsibilities/safety regulations to include those in relation to chemicals, machinery, equipment or food
- 2.10 A serious breach of our Code of Conduct.
- 2.11 A serious act of insubordination.
- 2.12 Dishonesty associated with place of work or job being undertaken, for example:
 - Theft or unauthorised removal or misuse of property.
 - Fraud, forgery or other dishonesty, including fabrication of expense claims, time sheets, qualifications, application forms, public examination forms and any other forms or records in use, falsification of any information given on your application form for a post, entitlement to



- work (including immigration status) in order to gain employment or other benefits or falsification of registration of pupils.
- Demanding or accepting monies or other considerations as a bribe for the use of our property or provision of our service.
 - Failure to disclose criminal convictions, cautions, bindover orders reprimands or warnings (except those which are 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended from time to time) or, failure to disclose during the course of your employment an arrest or summons for an offence, a conviction, a bindover order, a reprimand or a warning given by a police force.
 - Undertaking unauthorised paid or unpaid employment during working hours, including during periods of sickness absence.
- 2.13 Unauthorised use or disclosure of confidential information (or information which is of a confidential nature) or failure to ensure that such information in your possession is kept secure.
- 2.14 Making statements that are or could be damaging, slanderous or libellous whether verbally, written, in electronic communication or by social media, which could be harmful to a pupil, an employee or other worker, a governor, a member of the public, or our reputation.
- 2.15 Unlawful harassment or victimisation of, or unlawful discrimination against, a pupil, an employee or other worker, a governor, or a member of the public.
- 2.16 Victimising a person who has raised concerns, made a complaint, given evidence or information under our policies, e.g. grievance procedure, disciplinary procedure or otherwise.
- 2.17 Making a disclosure of false or misleading information under our whistleblowing policy maliciously, for personal gain, or otherwise in bad faith against a person or, making untrue allegations in bad faith against a person.
- 2.18 Bringing the organisation into serious disrepute.
- 2.19 Damage to the Trusts property – when an employee wilfully or without appropriate care causes any waste, loss or damage to any property of the Trust and or fails to report such loss or damage.

3. MISCONDUCT

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our disciplinary procedure. This list is intended as a guide and is not exhaustive.

3.1 Absenteeism and lateness, for example:

- Unauthorised absence or leaving your job during working hours without permission or sufficient cause for absence
- Frequent failure to attend work punctually
- Failure to comply with our sickness absence reporting procedure



3.2 Neglect of duty, for example:

- Failure to adopt safe working practices/use protective equipment where required by law or management
- Damage to, or unauthorised use of our property or contractors property
- Insubordination

3.3 Obscene language or other offensive behaviour.

3.4 Undertaking additional employment outside normal working hours without authorisation.

3.5 Breaches of our policies.

3.6 Breaches of your contract