

## Trainee Disciplinary Policy

<b>Policy Title</b>	Trainee Disciplinary Policy		
<b>Author / Reviewer</b>	BASCITT Programme Director/ Governance Lead/Finance & Resources Director		
<b>Delegated to Board/Committee</b>	BASCITT Executive Board		
<b>Signed by Dave Dupont (Chair of Executive Board)</b>			
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### 1. Purpose

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

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

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

This policy takes due account of Dove House School Academy's disciplinary policy. In essence the Code of Conduct requires that:

- Trainee Teachers and Trainers raise and deal with matters promptly and consistently.
- Necessary investigation is carried out.

- The Trainee Teacher is informed and given the opportunity to put forward their explanation of events before decisions are made.
- Trainee Teachers are able to be accompanied at all formal meetings.

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

Where misconduct relates to a child protection issue, Dove House School Academy child protection and safeguarding policies must be followed. Reference will also be made to the BASCITT's Code of Conduct policy.

## 2. Scope

The policy applies to: Trainee Teachers

Trainee Teachers are actively encouraged to contact their professional association/trade union representative at the earliest opportunity to obtain advice and support at any point within this policy.

The BASCITT expects all parties to maintain confidentiality throughout the application of the policy.

## 3. Leadership and Management

<b>Programme Director</b>	<p>Is responsible for:</p> <ul style="list-style-type: none"> <li>• Defining and communicating disciplinary rules.</li> <li>• Ensuring that systems are in place so that minor deficiencies in conduct are dealt with effectively without recourse to the formal policy.</li> <li>• Ensuring that appropriate disciplinary policies are in place, are monitored and reviewed regularly and are implemented in a fair and consistent manner.</li> <li>• Suspending Trainees where appropriate.</li> <li>• Establishing, where appropriate, disciplinary and appeals panels.</li> <li>• Ensuring that Trainees are aware of disciplinary rules and policies and dealing with any minor deficiencies in conduct at the earliest stage through normal day to day.</li> </ul>
<b>Programme Administrator</b>	<p>Is responsible for:</p> <p>Ensuring that appropriate pre-course checks are carried out.</p>
<b>Trainee Teachers</b>	<p>It is the responsibility of all Trainee Teachers to:</p> <ul style="list-style-type: none"> <li>• Sign and comply with general rules and policies referred to in their Trainee Code of Conduct and the Programme Handbook.</li> </ul>

- Comply with all BASCITT policies and procedure.
- Sign a formal contract.

#### 4. Managing a Disciplinary Matter

**Definitions**                    **Misconduct** - is an act of either wilful or negligent conduct, behaviour or omission.

**Gross misconduct** - is an act of misconduct which is so serious in nature that it fundamentally damages the Trainee Teacher/Provider relationship and justifies dismissal without notice.

**Initial assessment**

All disciplinary matters must have an initial assessment.

If the initial assessment identifies a safeguarding concern, then the Programme Director must follow Dove House School Academy' child protection and safeguarding policies. Advice must be sought from the BASCITT HR advisory service. The principles of safeguarding apply.

This initial assessment will determine whether any further action is required. It is not part of any formal investigation.

A record must be made of the initial assessment by the Programme Director.

**Policy stages and principles**

The possible stages are:

- initial assessment
- informal stage
- investigation
- formal stage hearing which may result in removal from the course.
- appeal after formal stage hearing.

The Programme Director must establish the immediate circumstances by carrying out an initial assessment, prior to commencing any further action under this policy. In some cases the trainee may be suspended from the programme and/or withdrawn from the placement school whilst the investigation is undertaken.

Any disciplinary matter will be addressed promptly, fairly and proportionately.

Wherever possible and appropriate minor disciplinary issues should be dealt with informally.

#### 5. Informal stage

**Informal stage**                    The initial assessment may identify that the disciplinary matter is

minor or can be addressed informally. In such cases, the SCITT Co-ordinator must discuss the matter promptly with the Trainee Teacher by having an informal discussion.

**Right of representation**

The Trainee Teacher is not usually represented/accompanied at any discussions within the informal stage of the policy. There may be circumstances when the Trainee Teacher asks to be represented/accompanied. This can be by a professional association/trade union representative or a BASCITT colleague. Consideration should be given to any requests and can be accommodated where it does not cause a delay to the process.

**Outcome(s) of the informal stage**

The Programme Director must decide on the outcome based on the evidence provided by the SCITT Co-ordinator.

Further information obtained during a discussion at the informal stage may mean the disciplinary matter needs to be reassessed and may require formal action.

A record must be made of each discussion. The Programme Director must:

- Seek to agree the record with the Trainee Teacher if possible.
- Share the record with the Trainee Teacher.
- Keep a copy on the Trainee Teacher's file.

**6. Formal stage**

**Investigation**

An investigating officer appropriate to the circumstances of the case will be appointed by the Programme Director. This will often be the Programme Director, or the Assistant Programme Director and they would be responsible for the investigation into the disciplinary matter. If the circumstances warrant it, the head of Dove House School Academy will appoint the investigating officer.

If appropriate an investigator can be appointed who is external to BASCITT or Dove House School Academy.

The purpose of the investigation is to establish the facts and the required course of action.

The investigation must be unbiased, proportionate and fair. It must be undertaken as a matter of priority.

On completion of the investigation, the investigating officer will recommend whether:

- There is no case to answer.
- The case proceeds to a formal hearing.
- Alternative action is more appropriate.

<b>Formal stage hearing</b>	At the formal stage, the Trainee Teacher must be invited to attend a hearing.
<b>Hearing arrangements</b>	<p>The Trainee Teacher must be invited in writing to attend the hearing.</p> <p>The letter must give the Trainee Teacher <b>7 working days'</b> notice of the hearing.</p>
<b>Formal record of the hearing</b>	<p>A formal record must be taken during the hearing. This may be made by audio recording the hearing or by a note taker. It is the BASCITT's responsibility to make the appropriate arrangements.</p> <p>If an audio recording takes place, a copy of the recording must be retained by the BASCITT. The BASCITT must comply with all relevant data retention and storage requirements.</p>
<b>Alternative date</b>	<p>The BASCITT expects that the Trainee Teacher and their representative will make all reasonable efforts to attend the first scheduled hearing date and time.</p> <p>If this is not possible, the Trainee Teacher may propose an alternative date and/or time. This should be within <b>5 working days</b> of the original hearing. The hearing will then be rescheduled.</p>
<b>Sharing of information</b>	<p>The Investigating Officer and the Trainee Teacher are required to exchange all relevant papers and supporting evidence in advance of the hearing. Management documents will be supplied to the Trainee Teacher with the invitation letter.</p> <p>The Trainee Teacher or their representative must submit all relevant papers and supporting evidence to arrive to the BASCITT administration at least <b>3 working days</b> before a hearing.</p>
<b>Right of representation</b>	<p>The Trainee Teacher has the right to be represented/accompanied at a formal stage hearing or appeal hearing. This can be by a professional association/trade union representative or a BASCITT colleague. The right to be accompanied is limited to one person only.</p> <p>It is the Trainee Teacher's responsibility to:</p> <ul style="list-style-type: none"> <li>• Arrange their own representative.</li> <li>• Liaise with their representative to agree the formal hearing or appeal hearing date and time.</li> <li>• Advise the BASCITT administration of the representative's details.</li> </ul>
<b>Attending formal hearings</b>	If the Trainee Teacher is not well enough to attend the hearing, it may be deferred until they are able to attend. A hearing will not be deferred indefinitely because the Trainee Teacher is unable to attend.

## **Outcome of a formal hearing**

The BASCITT Disciplinary Panel will comprise of:

- A Partnership School Headteacher from the Executive Board
- A Dove House School Trustee
- A Partnership School SCITT Co-ordinator (excluding the school where the trainee is on placement).

The BASCITT Disciplinary Panel must fully consider all evidence presented. The Disciplinary Panel must decide whether the misconduct/gross misconduct is proven and if so how it will be managed and whether to apply a sanction.

A written warning may be issued and this can be:

- a first written warning relevant until the end date of the training programme.
- a final written warning relevant until the end date of the training programme.

At a formal hearing, the Disciplinary Panel may decide that the Trainee Teacher's placement should be withdrawn, on the grounds of their conduct.

The Disciplinary Panel must confirm the outcome in writing and issue a Completion of Procedure (COP) letter within **5 working days** of the hearing. A copy of the COP letter and any warning must be placed on the Trainee Teacher's file.

If a Trainee Teacher's placement is withdrawn, any sums owing to the BASCITT from the Trainee Teacher must be repaid.

## **7. Appeal**

**Appeal stage** Please refer to the Appeals Policy.

## **8. Other policy requirements**

**Confidentiality** It is expected that all parties involved in the disciplinary process will maintain confidentiality. This would include the BASCITT, partnership schools and Dove House School Academy Trust (including social media).

If any party does not maintain confidentiality further action may be taken under the Disciplinary policy.

## **Right of Representation**

Trainee Teachers are actively encouraged to contact their professional association/trade union representative at the earliest opportunity to obtain advice and support at any point within this policy.

The Trainee Teacher is not usually represented/accompanied at any

discussions within the informal stage of the policy. There may be circumstances when the Trainee Teacher asks to be represented. This can be by a professional association/trade union representative or a BASCITT colleague. Consideration should be given to any requests and can be accommodated where it does not cause a delay to the process.

A Trainee Teacher can request to be accompanied at an investigation or suspension meeting by a professional association/trade union representative or a BASCITT colleague. In such cases, this should normally be accommodated where it does not cause any unnecessary delay in scheduling the meeting.

The Trainee Teacher has the right to be represented/accompanied at a formal stage hearing or appeal hearing. This can be by a professional association/trade union representative or a BASCITT colleague. The right to be accompanied is limited to one person only.

It is the Trainee Teacher's responsibility to:

- Arrange their own representative.
- Liaise with their representative to agree the formal hearing or appeal hearing date and time.
- Advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

### **Suspension or alternative arrangements**

Before making a decision about suspension or alternative arrangements, the Programme Director must seek guidance from the BASCITT HR advisory service. The Programme Director should then seek approval from the Chair of the Executive Board.

Suspension or alternative arrangements are neutral and precautionary acts. They may be considered at any point during this policy, once the initial assessment and/or investigation have established that the circumstances may be gross misconduct.

During suspension or alternative arrangements the Trainee Teacher must adhere to all relevant requirements.

Written confirmation of the decision regarding suspension must be provided to the Trainee Teacher.

Suspension or alternative arrangements must be regularly reviewed.

There is no right of appeal against the decision to suspend a Trainee Teacher.

### **Criminal offences**

Where a Trainee Teacher is subject to a criminal investigation, the Programme Director must contact the Lead Investigation Officer within

the police authority. This is to ensure that any internal investigation will not obstruct the criminal investigation.

Advice must be sought from the BASCITT HR advisory service in this situation.

**Safeguarding concern (relating to vulnerable adults, children and young people)**

Any allegation relating to a safeguarding concern against a Trainee Teacher must be dealt with in accordance with Dove House School Academy child protection policy. This ensures that a child, young person or vulnerable adult is not at risk or that a police or social care investigation is not prejudiced.

Advice must be sought from the BASCITT HR advisory service in this situation.

**Referral to relevant bodies**

In the following circumstances it may be necessary to make a referral to the relevant body:

- If a withdrawal from the training course takes place.
- In circumstances where a disciplinary process has not concluded, and the potential outcome may have resulted in withdrawal from the training course.

Where there is a requirement to make a referral to a relevant body, the Trainee Teacher must be notified in writing that such a referral has taken place.

**Formal action concerning a professional association/ trade union representative**

Where there are misconduct concerns relating to a professional association/trade union representative, the Programme Director must notify and seek advice from the BASCITT HR advisory service before taking any formal action.

**Linked Policies**

Trainee Code of Conduct, Cause for Concern Policy, Appeals Policy. DHSA Disciplinary Policy, DHSA Child Protection and Safeguarding Policy



## **Appendix 1:**

### **Misconduct**

The level of seriousness of each instance of misconduct depends upon the nature of the employee's role, the work environment and whether the misconduct has happened before

These are illustrative only and do not constitute an exhaustive list.

- a pattern of lateness or absenteeism/poor time keeping
- serious infringement of health and safety requirements
- wilful unsatisfactory standards of work
- wilful failure to follow a reasonable management request/instruction
- behaving in an improper, disorderly, unacceptable or unprofessional manner
- use of inappropriate language
- misuse of the Trust's equipment or IT systems – such as revealing passwords to others, loss of data/equipment, excessive or unauthorised use of any IT service for private purposes
- misuse/damage to the Trust's property, assets, equipment or vehicles
- inappropriate use of social networking
- inappropriate use of personal IT facilities and resources
- misconduct at work or outside work (criminal or otherwise) which could discredit the Trust's reputation
- unauthorised absence and failure to record absence
- improper disclosure of information
- significant breaches of data security policies or data protection standards
- unauthorised disclosure of examination material or unauthorised assistance to pupils prior to or during examinations
- discrimination, harassment, victimisation or bullying, which are not sufficiently serious enough to be categorised as gross misconduct
- other actions and personal behaviour which are incompatible and/or inconsistent with the expectations of staff working with children and young people
- failure to take prompt and effective action when child protection/safeguarding matter arises.

### **Gross Misconduct**

Gross misconduct is an act of misconduct that is so serious in nature that it fundamentally damages the employment relationship and justifies dismissal without notice.

These are illustrative only and do not constitute an exhaustive list.

- a fundamental and/or wilful breach of the Trust rules, regulations and policies
- theft, dishonesty or fraud or misappropriation of money or property whether belonging to the Trust, another employee, pupil or a third party;
- threatening or violent behaviour, fighting or physical assault;
- discrimination, victimisation, bullying or harassment;
- serious Health and Safety infringements/breaches;
- convictions for serious criminal offences (including sexual offenses)
- failure to inform the Senior Leadership Team of any criminal charges/convictions or police cautions that are relevant to the employee's employment;
- grossly indecent or immoral behaviour;
- sexual misconduct at work

- gross negligence or dangerous behaviour, which causes or might cause unacceptable loss, damage or injury;
- unauthorised disclosure of confidential information
- deliberate falsification of any records or documents (e.g. Sickness Self-Certification Form, time-sheets, recruitment documents);
- unauthorised/inappropriate use of information systems, including accessing pornographic, obscene or offensive material
- any fundamental and/or substantial breach of trust or unauthorised disclosure of information relating to the Trust's affairs to third parties
- serious inappropriate use of social networking
- possession of or unauthorised consumption of alcohol on the premises or during working hours or attending for work under the influence of alcohol;
- possession or use of non-prescribed drugs or controlled drugs on school premises or during working hours;
- any taking or possession of illegal drugs or controlled drugs or stimulants, which have not been prescribed by a registered medical practitioner;
- gross insubordination and/or refusal to obey reasonable legitimate instructions given by any members of the Senior Leadership Team;
- any conduct at work or outside of work (criminal or otherwise) which could discredit the reputation of the Trust or result in a serious breach of trust and confidence
- wilful or careless loss, damage to, unauthorised removal of or misuse to the Trust's equipment, property, vehicles, assets, facilities
- serious breach of data security policies or data protection standards
- serious breach of the Trust's policies or procedures;
- any breach of a legal statute, which has a direct effect on the employee's ability to undertake stated duties and/or on the desired characteristics of his or her position;
- allowing or assisting any unauthorised person to gain entry to the premises;
- repeated absences from duty without authorisation;
- a substantial failure to meet expected standards of work and/or behaviour amounting to serious neglect of duty;
- deliberately driving on Trust business without an appropriate licence and/or the appropriate insurance;
- in respect of teaching staff, serious breach of the standards of professional conduct as set out in the Teacher's Standards.
- undertaking private work on the premises and/or during working hours and wilful disregard of duties or of instructions;
- bringing the Trust into disrepute.