



Northern Lights
LEARNING TRUST

Code of Conduct and Disciplinary Procedure

Review Date: Autumn 2020

Next review date: Autumn 2023

Person in charge: Chair of Board

Link Director: Chair of Board

Northern Lights Learning Trust

Signed off by: Chair of Board

Date from: Autumn 2020

Review Date: Autumn 2023

Pastoral Care/Spiritual Development

The quality of relationships between all members of school staff and pupils, and the relationship with parents and carers is the area that is most commonly associated with the ethos of the schools in our Trust. It is expressed in the terms of sharing and caring. In the Church schools in our Trust, we follow the teachings of:

‘Love your neighbour as yourself’ – Matthew 22:39.

‘This is my commandment: love each other’ - John 15:17.

In our schools we believe every pupil is an individual who is valued for who they are.

We have a series of overlapping networks of relationships, which includes governors, staff, children, parents, church members, and members of the community which the school seeks to serve. Our pastoral work will strive to meet the significant challenge to create and maintain such networks including in our Church schools in ways which reflect the Gospel. Those who are in leadership roles, which includes all who have a particular responsibility, ensure that by their personal example they set the highest standards expected.

It is from this premise that both Christian and spiritual love will pervade all aspects of life at Northern Lights Learning Trust. It will influence how we reward and teach discipline. It will affect how we value work and the achievements of pupils and staff. It will be seen in the way in which the school environments are created and cared for, in the way in which the needs of pupils, parents, and community are met, and in the way in which teaching and non-teaching staff work together effectively as a team. Pastoral care pervades all aspects of school life and therefore will be reflected in the way the schools are organised and the policies are written and implemented.

1 Introduction

- 1.1 The Code of Conduct and the Disciplinary Procedure set out below are designed to ensure that all employees of the Trust are treated fairly and consistently, to achieve and maintain standards of conduct, and to promote the maintenance of good relations between colleagues.
- 1.2 You should familiarise yourself with and abide by the Code of Conduct and Disciplinary Procedure. The Disciplinary Procedure applies to all employees.
- 1.3 The Disciplinary Procedure will be used where there are possible issues of misconduct. This procedure does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, knowledge or training or has genuine sickness absence. In those cases, reference should be made to the Capability Procedure.
- 1.4 Some instances of minor misconduct can be dealt with promptly and without using the Disciplinary Procedure. Where an informal approach is taken, a record of the discussion should be made and the employee asked to sign this and provided with a copy. The record should also be held on the employee's personnel file. A suitable form for this purpose can be found at Appendix 1.
- 1.5 The Code of Conduct is contractual and forms part of your contract of employment with the Trust. The Disciplinary Procedure is for guidance only. It is intended only as a statement of the Trust's procedure or policy and does not form part of any contract of employment or otherwise have contractual effect. The Trust reserves the right to make additions or alterations to the Disciplinary Procedure from time to time and you will be notified of any such additions or alterations.

2 Code of conduct

- 2.1 **The Code of Conduct covers the main standards of behaviour and performance required by the Trust. The Code includes:**
 - 2.1.1 The Trust rules (see Section 2.3 below) with which you are required to comply;
 - 2.1.2 examples of misconduct falling short of gross misconduct (see Section 2.4 below); and
 - 2.1.3 examples of misconduct which the Trust normally regards as gross misconduct (see Section 2.5 below).
- 2.2 A breach of the Trust rules will normally lead to disciplinary action in accordance with the Disciplinary Procedure. An instance of gross misconduct will normally result in dismissal without notice (summary dismissal).

2.3 Trust rules

2.3.1 The Trust rules and the examples of misconduct are not exhaustive. You are under a duty to comply with the standards of behaviour and performance required by the Trust and to behave in a reasonable manner at all times. The Trust rules include the following:

- (a) you are required to comply with the rules relating to notification of absence, which are set out in the Trust's [Absence policy];
- (b) you are required to arrive at work promptly, ready to start work at your normal start time, and are required to remain at work until your normal finish time;
- (c) you must obtain authorisation from your Headteacher if for any reason you wish to arrive later or leave earlier than your normal start and finish times;
- (d) persistent poor timekeeping will result in disciplinary action;
- (e) you are required to maintain satisfactory standards of performance at work, including a high level of quality, accuracy and diligence in your duties;
- (f) you are required to keep confidential, both during your employment and at all times after its termination, all information gained in the course of your employment about the Trust, its staff, its pupils and their families, and any third parties, which is described as confidential or could reasonably be expected to be confidential in nature;
- (g) you are required to dress in a manner appropriate for the duties in which you are engaged;
- (h) you may be required from time to time to undertake duties outside your job description or the normal remit of your role;
- (i) you may be required from time to time to work at locations other than your normal place of work;
- (j) you are required to co-operate fully with your colleagues, with your school's governors and with the Trust's directors;
- (k) you are required to take all necessary steps required to safeguard the public image of the Trust and its schools, and achieve and maintain positive relationships with its pupils and their families;
- (l) you are required to comply with the Trust's policies and procedures;
- (m) you are required to ensure that you do not breach the Trust's policies on equality and/or bullying;
- (n) you are required to gain an understanding of the Trust's health and safety procedures, observe them and ensure that, where necessary, personal protective equipment (PPE) is always used;
- (o) all accidents, however minor, must be reported to your school's reception office as soon as possible, and an entry made in your school's accident book;

- (p) you are not permitted to make personal use of the Trust's communication systems without permission from your Headteacher;
- (q) Trust property and equipment must not be taken from the Trust's premises other than for use on authorised Trust business or activities;
- (r) you are solely responsible for the safety of your personal possessions while on the Trust's premises. You must ensure that your possessions are at all times kept in a safe place; and
- (s) if you find an item of personal property on the Trust's premises, you are required to inform your school's reception office immediately.

2.4 *Misconduct (falling short of gross misconduct)*

2.4.1 Set out below are examples of behaviour which the Trust treats as misconduct falling short of gross misconduct. Such behaviour will normally lead to sanction under the Disciplinary Procedure. You should note that this list is not exhaustive. Examples include:

- (a) failure to adhere to working hours, e.g. persistent lateness;
- (b) unauthorised absence;
- (c) unacceptable level of absence;
- (d) failure to follow the Trust's procedures (very serious failures may constitute gross misconduct);
- (e) breach of the Trust's policies;
- (f) inappropriate dress or appearance which is below acceptable standards; and
- (g) helping another employee (in any way) to commit a disciplinary offence.

2.5 *Gross misconduct*

2.5.1 Set out below are examples of behaviour which the Trust treats as gross misconduct. Such behaviour will normally lead to dismissal without notice (summary dismissal). You should note that this list is not exhaustive. Examples include:

- (a) theft, dishonesty, or fraud;
- (b) assault, act of violence, or aggression;
- (c) unacceptable use of obscene or abusive language (including language of a discriminatory nature);
- (d) possession or use of non-prescribed drugs on Trust premises or during working hours;
- (e) possession or consumption of alcohol on Trust premises or during working hours, other than on occasions approved by the Trust;
- (f) serious incapability at work brought on by alcohol or non-prescribed drugs;

- (g) wilful damage to the Trust's property or the property of its employees or pupils;
- (h) serious insubordination;
- (i) falsification of records or other Trust documents, including those relating to obtaining employment;
- (j) unlawful discrimination, harassment, bullying or victimisation;
- (k) refusal to carry out reasonable management instructions;
- (l) gambling, bribery corruption or tax evasion facilitation;
- (m) acts of indecency or sexual harassment;
- (n) serious breach of the health and safety policies and procedures, or endangering the health and safety of a fellow employee, pupil or third party;
- (o) breach of confidentiality, including the unauthorised disclosure of Trust affairs to the media or any other party (this rule does not apply to making, in good faith, a protected disclosure within the meaning of Part IVA of the Employment Rights Act 1996 (whistleblowing), to a relevant pay disclosure made in compliance with section 77 of the Equality Act 2010 or to any other disclosure required by law);
- (p) unauthorised access to or use of computer data or computer hardware;
- (q) copying of computer software, other than when authorised in the employee's normal course of employment;
- (r) bringing the Trust into disrepute;
- (s) misuse of the Trust name;
- (t) serious breach of the Trust's policies or procedures;
- (u) serious negligence which causes or might cause unacceptable loss, damage or injury; or
- (v) conviction of a criminal offence (except for minor road traffic offences) that impacts on your suitability to do your job or your relationship with the Trust, your work colleagues or the Trust's pupils.

3 Disciplinary procedure

- 3.1 The Trust recognises the importance of dealing with disciplinary matters without unreasonable delay.
- 3.2 If you, or your chosen companion, have any difficulty at any stage of the procedure because of a disability or a medical condition, you should contact your Headteacher. At each stage of the procedure where appropriate we will consider whether there are any reasonable adjustments that could be made to assist you or your chosen companion.
- 3.3 If you raise a grievance at any stage of the procedure, the Trust may temporarily suspend the disciplinary process in order to deal with your grievance. Alternatively,

particularly where the matters are related, the Trust may deal with both issues concurrently.

3.4 *Investigation*

3.4.1 If a complaint of misconduct is made against you, an investigation will usually be carried out by your Headteacher. Alternatively, the Trust will determine who is an appropriate person to carry out the role of the investigating officer (the 'Investigating Officer') if an investigation is necessary. You must cooperate fully and promptly with any investigation.

3.4.2 The Investigating Officer may arrange investigatory meetings to gather evidence in relation to the allegations. If you are invited to an investigatory meeting, the Investigating Officer will write to you and provide the following information:

- (a) Details of the allegations;
- (b) A copy of this Disciplinary Procedure;
- (c) The time and date of the investigatory meetings.

3.4.3 On completion of the investigation, the Investigating Officer will produce a report to your school governors recommending whether a disciplinary hearing should be convened or some other steps taken in relation to the situation or that no action is required.

3.4.4 You do not have a statutory right to be accompanied at any investigatory meeting but may request to be accompanied by a work colleague or trade union representative. Whether or not such a companion is allowed and, if they are, what their role is will be, is a matter for the Investigating Officer's discretion.

3.5 *Suspension*

3.5.1 If there are grounds to believe that you may be guilty of serious misconduct, where relationships have broken down, where the Trust has grounds to consider that its property or responsibilities to other parties are at risk, or where the Trust considers that your continued presence at the Company's premises would hinder an investigation, the Trust will be entitled to suspend you on full pay.

3.5.2 Whether suspension is appropriate will be a decision for your Headteacher or your school's governors taking into account alternatives to suspension such as temporary alternative duties or a temporary alternative place of work.

3.5.3 Any suspension will be confirmed in writing together with the reason for the suspension and a point of contact during the period of suspension.

3.5.4 During a period of suspension, you must not attend your place of work or contact colleagues or third parties other than your designated point of contact

without permission from your Headteachers or your school's governors, and must make yourself available for investigatory meetings and otherwise abide by the terms of your suspension.

3.5.5 Suspension will normally last only as long as necessary to enable an investigation into the allegations to be carried out and any disciplinary hearing to be convened. Any period of suspension is not a punishment, nor is it considered as disciplinary action against you, nor does it imply that any decision has been taken about your case.

3.6 *Mediation*

In some cases, the Trust may decide that it is appropriate to use an internal or external mediator, as part of or alongside the disciplinary process, to help you and the Trust to reach agreement on the best way forward. The Trust will seek your agreement prior to any mediation being commenced.

3.7 *Attendance at disciplinary and appeal hearings*

You should make every effort to attend any disciplinary hearing (including any appeal hearing). If either you or the person accompanying you cannot attend on the proposed date for the hearing, you may suggest a reasonable alternative date, which must be within 5 working days of the date first proposed. This time limit may be extended by mutual agreement between you and the Trust. If you fail to attend any re-arranged hearing without good cause, the Trust will be entitled to make a decision on the evidence available at the re-arranged hearing in your absence.

3.8 *Right to be accompanied at disciplinary and appeal hearings*

3.8.1 You are entitled to be accompanied at any disciplinary hearing (including any appeal hearing) by a fellow work colleague of your choice or a trade union representative. **Please note that it is your responsibility to secure the attendance at any hearing of any fellow work colleague. You may not be accompanied by:**

- (a) any other person, such as a relative, without the prior agreement of the Trust; or
- (b) a legal representative.

3.8.2 The person accompanying you is entitled to address the hearing to put and sum up your case, respond on your behalf to any views expressed at the hearing and confer with you during the hearing. The person accompanying you does not have the right to answer questions on your behalf, address the hearing if you do not wish it or prevent the Trust from explaining its case. Any work colleague who you have requested to accompany you will be given a reasonable amount of paid time off to prepare for and attend the hearing.

3.9 *Invitation to disciplinary hearing*

3.9.1 You will receive at least 5 days' advance written notice of any disciplinary hearing.

3.9.2 This letter or notice will:

- (a) set out the nature of the allegations against you and what is to be discussed at the hearing in sufficient detail to enable you to prepare your case;
- (b) advise you of the possible consequences of the allegations against you, including any potential for dismissal;
- (c) set out the date, time and place of the hearing;
- (d) advise of your right to be accompanied at the hearing;
- (e) advise who the Trust's witnesses will be (if any);
- (f) provide copies of the Trust's witness statements, or where this is not possible, summaries; and
- (g) provide copies of any other supporting evidence on which the Trust intends to rely.

3.10 *Disciplinary hearing*

3.10.1 A disciplinary hearing will be convened as soon as reasonably practicable after the conclusion of the investigation and once you have had a reasonable opportunity to consider the information provided with the notice of the hearing. No decision will be made as to whether any disciplinary action is to be taken or the nature of any disciplinary action to be taken before the hearing takes place.

3.10.2 Where possible, the hearing will usually be heard by a panel of your school's governors (the 'Disciplinary Panel') and chaired by the Chair of Governors (the 'Chair').

3.10.3 Where possible, a representative of the Trust, who is not involved in the case, will be present at the hearing to take notes.

3.10.4 At the hearing, the Chair will explain the allegations against you and go through the evidence that has been gathered. You will have an opportunity to state your case in relation to the allegations and challenge any evidence produced in support of the allegations by the Trust. You will be permitted to ask questions, provide a written statement of your defence to the allegations (should you wish to do so), present evidence and call witnesses (provided that the Chair is notified in advance of the hearing of the names of such witnesses and their relevance to the allegations). You will also be given an opportunity to raise points about any information provided by witnesses. Any witness you have requested to attend a hearing with you who is a fellow work

colleague will be given a reasonable amount of time off work to prepare for and attend the hearing.

3.10.5 The proceedings, any statements and all documents and records relating to disciplinary hearings will be kept confidential.

3.11 *Adjournment*

The Chair will have discretion to adjourn any disciplinary hearing as appropriate at the reasonable request of the Trust or you or otherwise as the Chair, at their discretion, deems necessary.

3.12 *Decision*

At the end of the disciplinary hearing, the Chair will normally adjourn the meeting before making a decision. Following the adjournment, the Chair may issue an oral decision. If the Disciplinary Panel is unable to reach an immediate decision following the hearing, they are entitled to deliberate on the hearing prior to issuing a decision in writing. In any event, written notification of the outcome of the hearing will usually be sent to you within 5 working days of the hearing, or as soon as reasonably practicable, together with an explanation of any disciplinary action to be taken and notification of your right to appeal.

3.13 *Levels of disciplinary sanction*

3.13.1 The Disciplinary Panel may decide that no action is necessary.

3.13.2 Very minor cases of misconduct will be dealt with informally, with the objective of improving your conduct. A suitable form for recording informal action can be found at Appendix 1. Where the matter is more serious, or where you have failed to improve your conduct, formal action will be taken as described below.

3.13.3 There are three levels of disciplinary sanction. Other than in cases of gross misconduct, you will not normally be dismissed for a first offence. The Trust reserves the right to impose sanctions at any level, or to skip levels, depending on the circumstances of the case.

(a) Level 1—Written warning

In cases of misconduct you may be given a formal written warning. This will give the following information:

- (i) an explanation of the reasons for the warning;
- (ii) an explanation of the improvements in conduct required;
- (iii) the timescale for making these improvements;
- (iv) any support the Company will provide to assist you;
- (v) an explanation of the consequences of any repetition of misconduct or failure to improve conduct to an acceptable standard; and

- (vi) advice as to your right to appeal against the disciplinary decision.

A first written warning will normally remain in force for 12 months and a copy of the warning will be kept on your personnel record. It will normally be disregarded for disciplinary purposes after a period of 12 months, or any longer period specified in the warning, subject to satisfactory conduct and performance during that time but will form a permanent part of your personnel record.

(b) Level 2—Final written warning

In the event of a failure to improve or change behaviour during the currency of a prior warning or where the misconduct, infringement or offence is sufficiently serious to warrant only one written warning before dismissal, a final written warning may be given to you. This will give the following information:

- (i) an explanation of the reasons for the warning;
- (ii) an explanation of the improvements in conduct required;
- (iii) the timescale for making these improvements;
- (iv) any support the Trust will provide to assist you;
- (v) an explanation that any repetition of misconduct or failure to improve conduct to an acceptable standard will render you liable to dismissal; and
- (vi) advice as to your right to appeal against the disciplinary decision.

A final written warning will normally remain in force for 12 months and a copy of the final written warning will be kept on your personnel record. In exceptional cases, depending upon the seriousness and nature of the behaviour, misconduct or infringement, the period for which the final written warning remains in force may be longer. The final written warning will normally be disregarded for disciplinary purposes after a period of 12 months or any longer period specified in the warning, subject to satisfactory conduct and performance during that time, but will form a permanent part of your personnel record.

(c) Level 3—Dismissal or other sanction

In the event of a failure to improve or change behaviour or improve conduct during the currency of a prior warning, or where the misconduct, infringement or offence is sufficiently serious to warrant dismissal, or if you are guilty of an act of gross misconduct (see Section 2.5 above for a non-exhaustive list of examples), dismissal will normally result.

In the case of dismissal (including summary dismissal), you will, as soon as is reasonably practicable, be provided with written confirmation of the dismissal which will set out the following:

- (i) details of the reason for the dismissal;
- (ii) the date on which your employment terminated or will terminate;
- (iii) the appropriate period of notice or pay in lieu of notice (if any); and
- (iv) advice as to your right to appeal against the dismissal.

3.13.4 Action other than dismissal

If a sanction other than dismissal is to be imposed (e.g. demotion), you will, as soon as is reasonably practicable, be provided with written confirmation of the action to be taken, how it is to be implemented, the reason for the action, the date on which it will come into force (if appropriate) and information on your right to appeal. These sanctions may be used in conjunction with a written warning.

3.13.5 Summary dismissal

If you are guilty of an act of gross misconduct or some other fundamental breach of the Trust's rules or of the contract of employment you may be summarily dismissed. This means that there will be no obligation on the Trust to allow you to work your notice period or make a payment in lieu of notice.

If your behaviour justifies it, the Trust may summarily dismiss you without any previous warning(s) having been given.

3.14 *Appeals*

3.14.1 If you wish to appeal against a disciplinary decision or sanction, you must inform the Chair in writing within 10 working days of receiving notification of the disciplinary decision. Your written notification should specify the grounds for the appeal.

3.14.2 All appeals will be dealt with as promptly as possible and a date will be set for the appeal hearing as soon as is reasonably practicable after the Chair has received written notification of your appeal. The appeal will be heard as soon as is reasonably practicable.

3.14.3 Wherever possible, the appeal will be heard by a panel of the Trust's directors (the 'Appeal Panel') and chaired by the Chief Executive Officer or the Chair of the Trust (the 'Appeal Chair').

3.14.4 You will be informed of the arrangements for the appeal hearing, confirmation of the Appeal Panel and the Appeal Chair, details of any other representative of the Trust who will be present (wherever possible, a representative of the

Trust will be present at the hearing to take notes) and of the right to be accompanied at the appeal hearing. The Trust will inform you if any witnesses are to attend the appeal hearing on behalf of the Trust.

3.14.5 If you wish to produce additional evidence to support your case then this must be provided to the Chair in advance of the appeal hearing. You must also advise the Appeal Chair in advance of the appeal hearing of the name and relevance of any witness you intend to bring to the appeal hearing on your behalf. Any work colleague you have requested to appear as a witness for you will be given a reasonable amount of time off work to prepare for and attend the appeal hearing.

3.14.6 At the appeal hearing, you will be asked to present your appeal to the Appeal Panel.

3.14.7 The Appeal Chair will confirm to you in writing the outcome of the appeal hearing usually within 5 working days of the appeal hearing, or as soon as is reasonably practicable.

3.14.8 The Appeal Panel's decision will be final. There is no further right of appeal.

3.15 *Criminal offences*

3.15.1 If it appears that you may be or have been involved in a criminal offence, the Trust will decide whether the matter should be referred to the police for investigation.

3.15.2 If you are suspected of, charged with or convicted of a criminal offence relating to matters outside your employment with Trust, this will not automatically be a reason for disciplinary action and instead the Trust will consider whether the conduct merits such action based on its employment implications, specifically your suitability to do your job and your relationship with the Trust, your work colleagues or the Trust's pupils.

3.15.3 It is not always necessary for the Trust to await the outcome of criminal proceedings prior to carrying out an investigation or convening or holding a disciplinary hearing.

ACTION TAKEN/TO BE TAKEN

--

Signed: (Interviewing Officer)

Signed & agreed by: (Interviewee)