



YORKSHIRE WOLDS TEACHER TRAINING

Disciplinary Policy and Procedure

Version 1.3

<p>Important: This document can only be considered valid when viewed on the YWTT portal. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p>	
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<p>Related Documents:</p>	<p>ACAS Code of Practice – Disciplinary and Grievance Procedures Alcohol and Substance Misuse Policy YWTT Expectations and Code of Conduct YWTT Health and Wellbeing Policy and Procedure</p>

Contents

Section	Page
Policy Statement	3
1. Purpose	3
2. Scope	3
3. Roles and Responsibilities	3
4. Equality and Diversity	4
5. Principles	4
6. Authority to Take Disciplinary Action	5
7. Informal Action	5
8. Suspension	5
9. Investigation	5
10. Disciplinary Hearing	6
11. Disciplinary Sanctions	6
12. Sickness Absence during the Disciplinary Process	7
13. Right of Appeal	7
14. Disciplinary Rules	8
15. Witnesses	8
16. Monitoring Compliance with and Effectiveness of this Policy	9
17. Associated Documentation	9
18. Review	9

POLICY STATEMENT

Our **vision** is to develop the next generation of great teachers, ethical school leaders and advocates for the teaching profession who will ensure our schools and young people thrive.

Our **core purpose** is simply to develop great new teachers. We do this by exemplifying excellent practice and through observation, mentoring, coaching, practice, reflection and sharing with peers. We will equip our trainees with a wide range of teaching and learning strategies and support them to motivate and inspire young people.

Yorkshire Wolds Teacher Training is committed to developing its trainees into excellent teachers through a creative, effective and rigorous programme underpinned by supportive and highly experienced teacher educators. Our aim is to create models of outstanding practice across the partnership and to meet the needs of our partner institutions as well as training the school leaders of the future

Yorkshire Wolds Teacher Training (YWTT) aims to deal with disciplinary matters quickly, fairly, consistently and discreetly. YWTT has high standards of professional behaviours and it is hoped that in being clear and explicit in relation to expected standards of behaviour and conduct, trainees will align their conduct to the required standards.

Trainees are encouraged to seek support where required, to give and receive appropriate, honest and constructive feedback and to conduct themselves in a professional manner. Minor misconduct will be dealt with informally wherever possible and appropriate. Cumulative misconduct can result in an escalation of levels of warning and potentially dismissal from the YWTT training programme and gross misconduct can result in immediate dismissal from the YWTT training programme.

YWTT and Partnership Staff will work together to minimise the risk of misconduct occurring (e.g. providing trainees with relevant codes of conduct, role modelling appropriate behaviours, embedding the vision and values, providing trainees with learning and development opportunities and access to support and guidance).

1. PURPOSE

The purpose of this document is to provide trainees with guidance relating to trainee conduct and misconduct. The Disciplinary Procedure is designed to be used where misconduct is alleged to have occurred during the YWTT training programme.

2. SCOPE

This policy applies to all YWTT trainees.

3. ROLES AND RESPONSIBILITIES

The **YWTT Executive Board** is responsible for ensuring this policy is applied fairly and consistently across YWTT alongside holding specific responsibilities relating to the potential dismissal of trainees under this policy.

The **Director of YWTT** is responsible for ensuring trainees are treated fairly and consistently across YWTT. The Director of YWTT also has specific responsibilities detailed within this policy regarding decision making and the issuing of sanctions.

The **Director of YWTT** is responsible for overseeing the introduction, implementation, monitoring and review of this policy and will report to the YWTT Executive Board as required.

The Education Alliance Human Resources Department will provide advice, guidance and support in the implementation of this policy and procedure, acting as a point of contact for YWTT staff. The YWTT leadership team will ensure that this policy is implemented fairly and consistently.

YWTT Tutors must operate within this policy in a fair, consistent and reasonable way; ensuring confidentiality is protected where possible. It is the Director of YWTT's responsibility to manage disciplinary issues.

Informal discussions, support, advice and guidance do not form part of the formal disciplinary procedure and YWTT tutors must ensure that trainees are advised of this. YWTT tutors are encouraged to deal with allegations of misconduct promptly, professionally and discreetly, ensuring trainee dignity is maintained wherever possible, whilst also ensuring that disruption to service provision is minimised. YWTT tutors are encouraged to seek advice from the Director of YWTT even when dealing with matters of misconduct informally.

Trainees are expected to behave in a professional manner at work in line with the values of YWTT and the Expectations and Code of Conduct. It is also expected that trainees do not place the reputation of YWTT at risk outside of work. If any trainee is unsure about the Expectations and Code of Conduct, parameters and appropriate behaviours expected inside and outside of work they should seek clarity from The Director of YWTT.

4. EQUALITY AND DIVERSITY

YWTT is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines, adhering to current legislation eg. the Equality Act 2010.
- Delivering high quality teacher training that meets the diverse needs of its trainee population, ensuring that no individual or group is disadvantaged.

5. PRINCIPLES

Prior to invoking the Disciplinary Procedure, the Director of YWTT must seek advice and guidance from the Education Alliance Director of Human Resources. They must determine whether or not the issue should be dealt with under another policy or procedure. This decision should be reviewed throughout the investigation.

All trainees must be informed in writing of their right to be accompanied or represented at disciplinary meetings and hearings held under the provisions of this procedure, by a trade union representative or friend. Trainees can find the list of recognised Trade Unions on the YWTT portal.

6. AUTHORITY TO TAKE DISCIPLINARY ACTION

As a general rule, the Director of YWTT should in most cases investigate allegations against a trainee. If the Director of YWTT is not able to investigate, the CEO will delegate to an appropriate senior leader.

7. INFORMAL ACTION

Where possible, the Director of YWTT should deal with matters of minor misconduct in an informal way (unless there is a pattern of behaviour and attempts to deal with the issue or similar issues have failed). Minor misconduct can often be resolved through informal discussions between the trainee and the Director of YWTT where the reason for the misconduct, its impact, the gap between expectations and behaviours are discussed and clarified. This approach allows the Director of YWTT to clearly detail expectations, to assist the trainee to reflect on their behaviour and learn from their experiences, to assist with reflective practice and support future development.

If an informal discussion is followed up with a letter containing management advice the letter should be retained on the trainee's file.

8. SUSPENSION

Only the CEO, or the Director of YWTT can decide on whether or not to suspend a trainee.

Suspension may be appropriate where an allegation of gross misconduct is made and/or where continuation of the training programme may give rise to further misconduct or interfere with the process of a fair investigation. Suspension is not a disciplinary sanction nor is it a presumption of guilt. It is a precautionary measure. It is important that trainees are made aware of this when a suspension occurs.

YWTT will endeavour to deal with disciplinary matters swiftly and thoroughly, ensuring that trainees are not placed on suspension for longer than is necessary. Whilst suspended a trainee will continue to be liable for training fees and their suspension will be reviewed on a regular basis throughout the disciplinary process.

Trainees on suspension are not allowed to enter partnership school premises. YWTT will discuss and agree with the trainee which colleagues they can speak to, ensuring the investigation is not compromised and that confidentiality is maintained. It is also expected that trainees make themselves available for interviews and meetings with representatives of YWTT to enable a swift completion of the disciplinary process. An agreement will also be reached regarding the brief staff can be advised of in relation to the absence of the trainee. The suspended trainee will be encouraged to access support (e.g. their Trade Union).

9. INVESTIGATION

When an allegation is made against a trainee the Director of YWTT must undertake a fact finding preliminary investigation. This investigation will inform the decision as to whether the matter can be resolved informally, whether suspension is necessary and whether a formal disciplinary investigation is required.

Where a formal investigation is required the Director of YWTT will ascertain the facts of the case. This may involve undertaking fact finding meetings and reviewing evidence and any statements taken will be shared with the individual for checking and signing. Once the investigation is complete the Director of YWTT will produce a report which details their investigation and their findings and this will be shared with the CEO. The CEO will then decide on the necessary course of action. The report may be presented to a panel and the trainee and their representative if the case progresses to a hearing.

If at any stage of the investigation the decision is made that there is no case to answer, the trainee and their representative will be informed immediately and in writing.

The Director of YWTT must act in accordance with the values of YWTT and the Education Alliance throughout the disciplinary process, ensuring the investigation is balanced and fair, that trainees facing potential disciplinary action, their representatives and any witnesses are treated with dignity and respect.

10. DISCIPLINARY HEARING

Before any disciplinary action is taken a disciplinary hearing must be convened at which the Director of YWTT will present the management case to the CEO and the trainee will have an opportunity to state their case. Wherever possible, the hearing should be arranged at a mutually convenient date, time and place. The arrangements must be confirmed in writing with the allegations confirmed and the evidence to be presented by the Director of YWTT enclosed. The relevant documentation should be circulated at least 10 working days in advance of the hearing and if a trainee wishes to submit a written response they should do so at least 1 working day before the hearing (the trainee may ask their Trade Union representative to do this on their behalf).

If witnesses are to be called they must be prepared for the hearing by the Director of YWTT and they should be advised that they are entitled to bring a trade union representative or work colleague with them for additional support (not to answer questions or speak on their behalf)

11. DISCIPLINARY SANCTIONS

Disciplinary sanctions must be reasonable and proportionate, taking into account factors such as the severity of the misconduct, the trainee's understanding of expectations, the trainee's active disciplinary record and the impact of the misconduct.

Depending on the circumstances of the case the CEO may also consider reviewing:

- the trainee's place of work (e.g. their placement school)
- the trainee's line management structure (eg. Mentor, YWTT tutor and subject lead)
- the trainee's learning and development plans and training needs

Disciplinary sanctions must be explained to the trainee along with the rationale for the sanction and future expectations.

Dismissal from the YWTT Training Programme

If the misconduct is sufficiently serious, or if there is a pattern of cumulative behaviour, the trainee may be dismissed from the YWTT training programme. The trainee must receive written confirmation of the decision, the rationale for the decision and their right of appeal following the disciplinary hearing. In cases of gross misconduct, the outcome may be dismissal with immediate effect.

12. ABSENCE DURING THE DISCIPLINARY PROCESS

If a trainee reports sickness absence during the course of the disciplinary process the YWTT Health, Wellbeing and Attendance Policy will be invoked. Trainees who are absent for a short period will be given the opportunity to attend a re-arranged investigatory meeting or hearing if

their absence clashes with a disciplinary meeting. Failure to attend a second meeting or hearing may result in the disciplinary process continuing in their absence in reasonable circumstances. This will not occur without the trainee having the opportunity to make alternative representation either in writing or through their trade union representative or friend.

13. RIGHT OF APPEAL

If a trainee feels that the disciplinary action taken against them is unfair they can appeal against the decision. An appeal must be submitted by the individual or their Trade Union representative on their behalf and received by the Director of Yorkshire Wolds Teacher Training within 10 working days of the date of the letter which issues the sanction. The trainee will receive confirmation of the appeal meeting, providing them with 10 working days' notice of the meeting.

The appeal panel will be made up of three members from the partnership who have not previously been involved in the decision which the candidate/trainee teacher is appealing against, including one from the YWTT executive board. At the appeal hearing, the disciplinary sanction imposed will be reviewed. Appeal hearings are convened to review the case, the decision and the rationale for the decision, not to re-hear the case. However, the pack submitted to the panel will include information presented at the hearing, any submissions made by the trainee and/or their representative and notes of the hearing to ensure the panel understands the case fully. It is the decision of the Appeals Panel whether or not new information can be introduced at the appeal hearing, and the panel will consider the reasons for the information not being submitted at an earlier stage. The Appeals Panel will consider specific factors which the trainee expresses have been dealt with unfairly, such as:

- an inconsistent, inappropriate or excessively harsh sanction
- extenuating circumstances
- unfairness in the conduct of the hearing
- new evidence subsequently coming to light

The outcome of an appeal can either be an upholding of the original decision or a lesser sanction. Where an appeal against dismissal fails, the effective date of termination will be the date on which the trainee was originally dismissed.

The appeal hearing is the final stage of the Disciplinary Procedure therefore the Appeals Panel decision is final.

14. DISCIPLINARY RULES

Appropriate and professional standards of behaviour and conduct are expected of all trainees. Any breach of the disciplinary rules may lead to disciplinary action. Trainees should ensure they are aware of YWTT's Expectations and Code of Conduct and they should seek advice if they are unsure from the Director of YWTT in the first instance. Trainees that witness misconduct are encouraged to report it as to ignore it is to condone the behaviour. Misconduct can be reported to YWTT tutors or the Director of YWTT.

Examples of gross misconduct include the following (this list is not exhaustive):

- theft, fraud and deliberate falsification of records
- possessing, using or selling illegal drugs in the workplace and/or being convicted of any criminal offence connected with drugs, regardless of whether the offence took place inside or outside the workplace
- serious breaches of YWTT Expectations and Code of Conduct and/or Dignity and Respect Policy
- unlawful discrimination or harassment
- a conviction of a criminal offence which in YWTT's opinion may affect its reputation or relationship with students or staff
- serious deliberate damage to property
- serious insubordination
- serious misuse of school property and/or name
- bringing YWTT into disrepute
- reporting to school or the training base having consumed non-prescribed drugs or alcohol rendering the trainee unfit or unsafe for work; consumed or be under the influence of drugs or alcohol whilst on duty; consuming alcohol during working hours or at break times
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of trust and confidence
- negligence and/or ill treatment of students
- inappropriate relationships with students
- serious breach in confidentiality of data

Examples of misconduct include (this list is not exhaustive and in some cases they may be viewed as gross misconduct):

- wilful unsatisfactory performance
- bullying/harassment
- poor timekeeping
- unauthorised absence
- failure to follow reasonable instructions

Conduct outside work may be considered and dealt with under this policy and where it is decided that incidents that have occurred outside of training mean that an individual is unsuitable to continue as a YWTT trainee, the incident may be viewed as an act of gross misconduct and the trainee may be dismissed from the YWTT programme.

15. WITNESSES

Trainees may be called upon as witnesses. Witnesses may be asked to attend a fact finding meeting where they will be asked specific questions pertaining to the case under investigation. Witnesses will be asked to check and sign a copy of their statement and if the case progresses to a disciplinary hearing, appeal or tribunal they may be asked to attend to clarify evidence.

16. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this Policy will be monitored on an annual basis.

17. ASSOCIATED DOCUMENTATION

- YWTT Expectations and Code of Conduct
- YWTT Health and Wellbeing Policy

18. REVIEW

This Policy and Procedure will be reviewed within two years of the date of implementation.

