MID ESSEX ITT
INITIAL TEACHER TRAINING

Trainee Disciplinary Policy

1. Scope of the Procedure

Mid Essex ITT will ensure that disciplinary procedures are applied in line with the principles of fairness, transparency, proportionality, timeliness and independence. The purpose of this procedure is not only to address misconduct but also to support trainees in meeting professional standards and ensuring the safety of children, staff and the wider community. This procedure should be read alongside the Mid Essex ITT Safeguarding Policy, Fitness to Practise Policy and Complaints and Appeals procedures. All information will be handled in accordance with data protection legislation.

1.1 This Procedure is applicable to all trainees working within the Mid Essex ITT Consortium. Mid Essex ITT retains overall responsibility for the application of this procedure across the partnership, including where elements are delegated to placement schools.

1.2 If it is the conduct of the Director or other MEITT employees which is called into question, then the investigation of the alleged misconduct will be carried out by the Lead School using appropriate procedures defined by that school.

1.3 If the conduct of an employed trainee is called into question it is likely that the placement school, as employer, will invoke appropriate procedures defined by that school. This procedure may be appropriate in other circumstances (e.g. if the alleged misconduct should take place at the 'B' placement school or other wholly ITT centred activity), in which case the procedure will be invoked by the Director, as below.

1.1 If the conduct of a fee-paying trainee is called into question, these procedures will apply.

2. Establishing the Facts

2.1 When a trainees conduct is called into question the Director or appropriate nominee will conduct, or cause to be conducted, such investigations as he/she may consider necessary. Where appropriate, the trainee will be given ample opportunity to state his/her case and witness statements may be taken. Investigations will be conducted in a fair, transparent and proportionate manner, ensuring that trainees are given an appropriate opportunity to respond to any concerns raised.

2.2 All reasonable effort will be made to complete the investigation without delay and where possible, investigations will be conducted by a member of staff who has had no prior involvement in the matter.

2.3 If, following the preliminary investigations, the Director or appropriate nominee considers that disciplinary action is necessary he/she shall arrange for this to be undertaken in accordance with the following procedure, except where, by agreement between the parties, the matter is dealt with by other means.

2.4 Consideration will also be given to whether the concerns raise safeguarding implications requiring additional action.

2.5 Formal disciplinary action will not be taken against a trainee without prior investigation, other than in exceptional circumstances.

2.6 Where formal action is undertaken, all evidence relevant to the case will normally be shared with the trainee.

3. Serious or Gross Misconduct

3.1 Where the Director forms the view that a trainee should be suspended from duty, (s)he will take immediate action to notify the decision to the trainee concerned, to the placement school Headteacher and to the DfE and others external agencies where appropriate.

3.2 Where immediate risk is identified, including safeguarding concerns, Mid Essex ITT may take temporary action (such as suspension from placement) to protect children, staff or the trainee.

3.3 Where the Director, after investigation, feels the alleged misconduct is potentially Gross Misconduct for which dismissal may be the appropriate action, (s)he will seek a Headteachers' Committee Hearing, otherwise, the matter will be heard by members of the Management Committee.

3.4 If that Management Committee Hearing should decide the matter is potentially more than Serious Misconduct they must refer the Hearing to three members of the Headteachers' Committee to consider afresh as possible Gross Misconduct.

4. Disciplinary Hearings

4.1 The hearing will be before 3 members of the Management Committee or the Headteachers' Committee. Only the Headteachers' Committee will have the power to decide that the employment of any trainee should be terminated (subject to a relevant appeal). All parties will be treated with dignity and respect throughout the process.

4.2 The trainee will be given at least ten days' notice, in writing, of the date, time and place of any disciplinary hearing. When given this notice, the trainee will:

a) be informed of the nature and details of the alleged misconduct;
b) be told of his/her right to be accompanied at the hearing by a representative of his/her choice, i.e. normally the representative of a recognised trade union, or some other appropriate person, and of his/her right to call witnesses;
c) be supplied with a copy of any written report which is to be considered;
d) be given an indication of the possible disciplinary penalty which could be imposed if the allegations were found to be substantiated, e.g. a formal warning or termination of training;
e) be informed who will conduct the hearing;
f) be informed of the names of any witnesses to be called and outline details of the evidence they will give.
g) All disciplinary hearings will be conducted in line with the principles of fairness, proportionality, transparency and independence.

4.3 Not later than five clear days before the hearing the trainee (i) will give the name and status of his/her representative, (ii) will give the names of any witnesses they intend to call and outline the evidence the witnesses will give, (iii) may submit a written statement or supporting written evidence if he/she wishes, either directly or through his/her representative.

4.4 At the hearing the trainee and/or his/her representative may address those conducting the hearing. The trainee and/or the representative may be questioned on the statements made by, or on behalf of, the trainee and the person presenting the case to the Committee may be questioned by the trainee and/or his/her representative on any relevant aspect of the case. Witnesses may be called by either party and opportunity will be given for them to be questioned on their statements. However, if witnesses are called by either side, every effort will be made to limit numbers to the minimum necessary for a fair hearing of the case. An opportunity will be given at the end of the process for both parties to make a summary statement of their case. The trainee or representative will have the right to speak last.

4.5 In cases other than those where a formal oral warning is given, if the decision is not notified at the end of the hearing, it will be given in writing within three days of the hearing. If the decision is notified at the end of the hearing, it will be confirmed in writing within three days. Where a formal oral warning has been given it will be confirmed in writing within three days. In any event the letter will state the grounds for the decision, confirm that the trainee has a right of appeal and state how this may be exercised. The trainee shall be required to sign an official receipt to say that the letter has been received and understood.

4.6 If the decision is to dismiss the trainee for gross misconduct, the trainee will normally be summarily dismissed. If the trainee is to be dismissed for a reason other than gross misconduct he/she will be given the notice required by his/her conditions of service. (NB: Notice will not be issued and dismissal will not take effect until any appeal has been heard and lost, or the time limit for any appeal has passed (see Section 4.1 and Sections 5 and 7). In these circumstances a trainee will be suspended for the period between hearing and appeal.

4.7 It will be open to a trainee to accept a proposed disciplinary sanction without being subject to the full normal Procedure.

4.8 Decisions will take into account the Teachers' Standards, safeguarding responsibilities, and the need to maintain public confidence in the teaching profession.

5. Appeal

5.1 A trainee will have a right of appeal against any disciplinary action taken against him/her and details of this right will be included in any letters confirming a warning or notification of dismissal. The trainee will have up to five days from receipt of the written notification of the disciplinary decision in which to lodge an appeal and must submit any relevant papers which he/she will present at the appeal hearing. The Headteachers' Appeals Committee will hear the appeal, and may not include any members involved in the first hearing. The Director may attend for the purpose of presenting management's case and/or giving evidence to the Appeals Committee, even if he/she made the original disciplinary decision. Appeals will

be considered by individuals who have had no prior involvement in the case and will focus on whether procedures were followed correctly and whether the decision was reasonable.

5.2 Mid Essex ITT will aim to conclude appeals in a timely manner and will keep trainees informed of progress.

5.3 A trainee may forego his/her right to appeal.

6. Warnings

The intention of warnings is to support improvement and ensure that trainees meet professional expectations.

6.1 Minor Misconduct

6.1.1 For misconduct which is considered to be of a minor nature the trainee may be given a formal oral warning that failure to conform to the required standards could lead to dismissal. A record of the trainee's misconduct and brief details of the hearing, together with the oral warning, will be placed on the trainee's personal file. Details of the warning, the time limit for the warning and the grounds for the decision, will be supplied to the trainee in writing. Written warnings will normally specify a time period after which they will be reviewed and may be disregarded if no further concerns arise.

6.2 More Serious Misconduct or Repetition of Previous Misconduct

6.2.1 If the offence is considered to be more serious, or if there has been further failure to conform to the required standards following an oral warning, the trainee may be given a written warning setting out the nature of the complaint and outlining the possibility of dismissal if no improvement takes place. In cases of serious misconduct this first written warning may also be the final warning.

6.2.2 The trainee will be furnished with two copies of the written warning and will sign and return one copy of the warning as a record that it has been received and understood. A copy will be placed on his/her personal file, together with a record of the relevant aspects of the disciplinary hearing. The trainee will retain one copy of the written warning as a record of the decision of the meeting.

6.3 Further Misconduct

6.3.1 Further misconduct following a previous warning, may lead to the issuing of a final warning. If the facts of the case so warrant, the trainee may be given a final written warning that a further breach of conduct within a specified period, will lead to dismissal. The trainee will be furnished with two copies of the final warning and will sign and return one copy as a record that it has been received and understood. A copy will be placed on his/her personal file, together with a record of relevant aspects of the disciplinary hearing. The trainee will retain one copy of the final warning as a record of the decision of the meeting. The HT Committee will be informed immediately by the Director of any final written warning issued by him/her under delegated powers to a member of staff.

6.3.2 Nothing in this procedure precludes a trainee being given a final written warning for a first offence of misconduct where the circumstances of the case are so serious as to be deemed to warrant this

7 Dismissals

7.1 If a Headteachers' Committee hearing has determined that a trainee should be dismissed, no action to implement the decision will be taken until either the time limit for the submission of an appeal by the trainee has passed, or until any such appeal has been heard by the Headteachers' Appeals Committee.

7.2 In the event of a dismissal taking place the Headteachers' Committee or the Appeal Committee will arrange either for written notice to be given terminating the Contact of Employment or the termination of that contract without notice where the circumstances are such that there is an entitlement to do so.