

Non-academic Misconduct policy

1 General

- 1.1 Sacred Heart Newcastle SCITT is a community, and as members of this community trainees are expected to adhere to SCITT rules and regulations, to show respect for persons and property, and to behave in a way that does not interfere with normal operations of the SCITT. Where there is reason to believe that rules and regulations have been broken, and/or when the behaviour of a trainee falls below the expected standards outlined in section 6 below, the Disciplinary Procedures will be instigated by authorised staff.
- 1.2 The maintenance of discipline and good conduct is the responsibility of the Director of the SCITT, and these procedures outline the means by which disciplinary matters involving non-academic misconduct will be managed, and the sanctions that may be imposed.
- 1.3 The Disciplinary Procedures define misconduct as either minor or major depending on the seriousness of the alleged misconduct, and the specific procedures for each are outlined below.
- 1.4 Where misconduct has occurred, the intention will be to focus on a corrective response rather than one which is solely punitive.
- 1.5 In cases where the alleged offence may pose a risk to staff and trainees, the procedures should be used to assess and manage such risk. Where risk is judged to be serious a recommendation may be made to the Accounting Officer to temporarily suspend or exclude the trainee from all or parts of the SCITT programme, partner schools and facilities. The authority to permanently expel a trainee from the SCITT is granted exclusively to the Accounting Officer.

2 Scope of the Disciplinary Procedures

- 2.1 The Disciplinary Procedures apply to all trainees registered at the SCITT, on all school sites and those registered via School Direct programmes.

3 Relationship and interface with other policies and procedures

- 3.1 The Disciplinary Procedures relate to matters of non-academic misconduct.
- 3.2 Where the alleged misconduct relates to academic matters, it should be referred for action under the SCITT or as relevant, Newcastle University's, Academic Misconduct procedure
- 3.4 Complainants may be entitled to know the outcome of disciplinary proceedings that have resulted from a complaint brought by a trainee and/or a grievance brought by a member of staff.
- 3.5 Outcomes of disciplinary cases will, as relevant, be shared with a trainee's school and Professional Statutory Regulatory Body (DfE). Trainees registered on the SCITT programme should demonstrate appropriate behaviour and standards required for entry into the teaching profession. Alleged

misconduct which may be judged to fall short of the professional code of conduct should be considered under the Fitness to Practise Procedures.

- 3.6 Where there is a concern that mental health, illness or disability may have directly impacted on behaviour and/or conduct, the matter will be considered for referral to the a Health/Wellbeing specialist and/or Student Support services as an alternative to disciplinary action. Where necessary, reasonable adjustments will be made to the Health, Wellbeing and Support or Disciplinary Procedures in respect of any illness or disability experienced by the trainee.
- 3.7 In the event that an investigation into an alleged offence raises concerns for the welfare of an individual the Authorised Officer, with the Trainee's consent, may raise their concerns with appropriate support services (Counselling etc.).
- 3.8 The SCITT places great importance on its relationship with the local community in which trainees live and socialise. The SCITT encourages trainees to engage and participate in community life, and in doing so to develop an ethos of personal and social responsibility. Whilst resident in the local community the SCITT expects trainees to behave in a way that is respectful and courteous of their neighbours and other members of their community and not to engage in anti-social behaviour that causes distress or harm to others.

This principle also applies to the trainees who are resident in SCITT accommodation organised for placements (e.g. Norfolk Trust etc.) where we would expect a similar level of responsibility and reasonable behaviour.

4 General Principles

- 4.1 This procedure seeks to operate in a fair manner; it does not seek to reproduce elements of the criminal law or criminal justice system and is not a formal legal process, although the SCITT has legal obligations which will apply to this procedure: for instance, the duty to act fairly and reasonably in relation to all parties in the application of this procedure. The rules of evidence in English law do not apply; the standard of proof required is the balance of probabilities: that is, it is more likely than not that the alleged misconduct occurred. The procedure complies with the rules of natural justice, which confer on a trainee right to know the case against them; the right will be given an opportunity to defend themselves; the right to confidentiality and the right for the case to be considered by an impartial arbiter.
- 4.2 The trainee may be accompanied, but not represented by, a supporter, who may not act as an advocate. Trainees involved in disciplinary procedures shall have the right to be accompanied to any investigative meeting or hearing by a fellow trainee or member of staff from the SCITT, or Trainees' Union. The supporter is there to provide moral support. The trainee is expected to speak on their own behalf, there is no automatic right for a supporter to speak on the trainee's behalf and it is at the Chair's/Authorised Officer's discretion as to whether the supporter is permitted to address the meeting. Should a supporter act outside those actions described the Chair/Authorised Officer will suspend the meeting and ask the supporter to leave, in the event that the trainee is unable to continue the meeting without the supporter them meeting will continue in the trainee's absence based on the documentation provided and any verbal representations received up to that point.

- 4.3 The SCITT will wherever possible seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, trainees will be advised of the reasons for this by the SCITT Director (or nominee handling the investigation or hearing).
- 4.4 Where possible and practical, trainees will be given the opportunity to attend disciplinary hearings to defend themselves in person. However, the SCITT reserves the right to proceed with any investigative or disciplinary hearing in the absence of a trainee, subject to the trainee having been properly notified of the date and time of the hearing (failure not to attend without due notification may lead to further disciplinary action), or in cases where criminal proceedings do not allow the trainee to attend in person. The SCITT will ensure that the trainee is given opportunity to make written representation where they cannot attend in person.
- 4.5 The SCITT reserves the right not to proceed with any investigation following an allegation against the behaviour of a trainee if it is considered that there is insufficient grounds or evidence to do so.
- 4.6 During the application of these Disciplinary Procedures the SCITT reserves the right to adjourn any disciplinary investigation or hearing and reconvene at a later date.
- 4.7 When investigating an alleged breach of SCITT regulations, the Authorised Officer will request any relevant information which may include CCTV footage from the school site.

Where the alleged breach has occurred on a partner school premises, the SCITT will work in partnership with the school and share data which may include CCTV footage.

5 Definition of disciplinary offences

- 5.1 In general terms, disciplinary offences are likely to fall into one of the categories below and maybe heard under the minor or major disciplinary processes depending on the severity of the case:
- Actions which cause actual or potential **distress or harm** to others
 - Actions which cause actual or potential **damage to property** of others
 - Actions which **disrupt the normal operations, and/or safe use of, the SCITT** including where applicable, reputational damage to the SCITT
 - Actions **which impede or interfere with the pursuance of work/ study** of SCITT members, or impact on normal operations of the SCITT.

Examples of alleged offences are below, the examples given are intended to be illustrative and is not exhaustive:

- 5.1.1 Actions which cause actual or potential **distress or harm** to others:
- Verbal abuse or intimidation

- Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the SCITT's relationship with the local community
- Assault or causing physical harm
- Sexual misconduct
- Threatening, offensive or indecent behaviour
- Persistent acts of bullying, harassment or intimidation
- Theft, fraud, or deliberate falsification of records
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon/firearm including imitation or replica products
- Multiple or repeated minor offences

5.1.2 Actions which cause actual or potential **damage to property** of others:

- Causing minor damage to property
- Causing serious and deliberate damage to property
- Multiple or repeated minor offences

5.1.3 Actions which **disrupt the normal operations, and/or safe use of, the SCITT** including where applicable, reputational damage to the SCITT:

- Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the SCITT's relationship with the local community
- Assault or causing physical harm
- Threatening, offensive or indecent behaviour
- Persistent acts of bullying, harassment or intimidation
- Theft, fraud, or deliberate falsification of records
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon/firearm including imitation or replica products
- Actions which are likely to bring the SCITT into disrepute and/or cause interference to the normal operations of the SCITT, for example when the trainee is acting in connection with SCITT business: on school placement, at a training event or participating in a field trip
- Multiple or repeated minor offences

5.1.4 Actions **which impede or interfere with the pursuance of work/study** of SCITT members, or impact on normal operations of the SCITT:

- Infringement of SCITT Health and Safety rules

- Refusal to respond to reasonable requests by relevant SCITT staff; for example refusing to confirm identity when requested during the normal course of their duties, failure to attend a disciplinary meeting without good reason
- Anti-social behaviour which causes distress to others and/or reputational harm and/or damage to the SCITT's relationship with the local community
- Threatening, offensive or indecent behaviour
- Persistent acts of bullying, harassment or intimidation
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon/firearm including imitation or replica products
- Actions which are likely to bring the SCITT into disrepute and/or cause interference to the normal operations of the SCITT, for example when on Teaching Practice, at training events in connection with SCITT business or participating in a field trip
- Multiple or repeated minor offences

5.1.5 Where trainees are cited in multiple or repeated offences, cases will be considered with the upmost seriousness.

6 Investigative Meeting

6.1 An invitation to an investigative meeting will be conveyed to the Trainee's SCITT email account (which should be checked daily), this email will outline the nature of the alleged offence(s). Where possible this invitation should be written and should give the trainee at least 48 hours' notice of the meeting. However, there may be circumstances when an urgent investigation is required and in this case an invitation, verbal and/or in writing, with less than 48 hours' notice may be given.

6.2 Where possible and appropriate, action in respect of minor disciplinary offences should be taken quickly by the Head of ITT.

6.3 The investigative meeting is called in order to allow the trainee to hear the allegations against them and to present their response to those allegations. The Head of ITT will undertake whatever investigation they feel is necessary to establish the facts of the case.

7 Procedures for Hearings - Minor Offences

7.1 Where, during an initial investigative meeting, the Head of ITT concludes that the allegation(s) should be treated as a minor offence, the Head of ITT may convert the investigative meeting to a disciplinary hearing to conclude the matter, subject to the trainee's consent and subject to the requirements of natural justice. If the trainee does not consent or the Head of ITT concludes that it is not in the interests of natural justice, the disciplinary hearing will be convened at a later date.

7.2 At all times the Head of ITT should be mindful of any ongoing risk posed to trainees and staff relating to the alleged offence. In cases where a risk assessment suggests that there may be an ongoing risk,

the Head of ITT may seek to consult the Accounting Officer (or nominee) in relation to the management risk, and where appropriate may take precautionary action. It is unlikely that any offence classified as minor would require temporary suspension and/or exclusion from the SCITT, although it may be necessary to agree a precautionary behavioural contract or limited exclusion from specific facility or service.

7.3 The Head of ITT will advise the trainee in writing of the outcome, within ten working days, and will confirm the imposition of any sanction, including:

- No further action
- A written reprimand
- Restorative justice
- Temporary or permanent exclusion from the use of specific SCITT facilities or services

8 Right of appeal for minor offences

8.1 A trainee may exercise the right to appeal against the outcome of a minor disciplinary hearing by writing to the SCITT Director within ten working days of the date of the letter notifying the outcome of the disciplinary hearing. All relevant evidence which is to be considered must be submitted with the appeal application. The SCITT will not gather evidence on a trainee's behalf.

8.2 The request for the right to appeal will be considered by the Director of the SCITT. The trainee will be asked to select the ground(s) on which their appeal is being invoked, the right to appeal will only be granted if there is *prima facie* (the meaning of which is to be read as 'on the face of it') evidence of the following:

- Procedural irregularity
- Bias, or failure to reach a reasonable decision in handling the process
- Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration at the time of the investigation/hearing.
- The penalty imposed was disproportionate to the offence

8.3 If there are *prima facie* grounds for appeal, the Director of the SCITT will undertake a review of the papers, but will not re-hear the case or interview the trainee. He/she may then decide to take action as follows:

- Uphold the original decision
- Uphold the original decision but reduce the penalty
- Overturn the original decision and remove the penalty

8.4 The trainee will be notified of the decision within ten working days of the receipt of the letter requesting the right to appeal.

9 Procedure for Hearings – Major Offences

9.1 If the alleged offence is confirmed as major, the Head of ITT will refer the matter to the SCITT Director.

9.2 Where the alleged offence has been classified as major, the Head of ITT may conduct an investigation for referral to the Major Disciplinary hearing.

9.3 The membership of this Disciplinary Board shall comprise the following;

- A Chair selected from the SCITT's Strategic Board by the Accounting Officer
- The SCITT Director
- Another member of the SCITT's Strategic Board

The proceedings will be recorded by a person acting as clerk to the Board

9.4 In cases which involve alleged reputational damage to the SCITT, the Board will also include an additional member who is independent from the SCITT, whose role will be to ensure the Board adheres to the principle of impartiality in consideration of the alleged offence.

9.5 The trainee will be advised in writing of the nature of the alleged offence and the date of the hearing. This written notification will usually be provided at least ten working days in advance of the meeting to the trainee's SCITT email account (which should be checked daily). Where the Chair deems there are exceptional circumstances which require a shorter period of notice to be given, the reasons for this will be explained to the trainee.

9.6 The Head of ITT or the trainee may wish to invite witnesses to appear before the board or to provide written statements. If this is the case the trainee should advise the clerk of the Board at least seven working days before the hearing, to allow the clerk to advise the potential witnesses, collect statements, and circulate to both the Board and the trainee.

9.7 Statements and other documentation will be circulated to the Board and the trainee not less than five working days in advance of the meeting, although later circulation may be allowed at the discretion of the Chair.

9.8 If the trainee does not attend the Disciplinary Board the Chair may decide to proceed in his/her absence.

9.9 The procedure of the meeting will be as follows:

- Board members meet without the trainee present to consider matters of process
- The trainee and accompanying person will join the meeting
- The Head of ITT will join the meeting and outline the case
- The trainee will be asked to make a statement in response to the alleged offence

- The Board will question the trainee. The Board may ask questions for the purpose of clarification
- Witnesses may be called by the Head of ITT
- Witnesses may be called by the trainee
- In each case the witnesses will be asked to make a statement or confirm the contents of a written statement, and for the purpose of clarification may be questioned by the Board, the trainee and/or the Head of ITT
- Witnesses will be asked to withdraw
- The Board will hear further statements from the trainee regarding evidence submitted, witness statements etc
- The trainee will be asked to make concluding remarks
- The Board will hear further statements and concluding remarks from the Head of ITT
- The trainee (and accompanying person) and Head of ITT will be asked to withdraw to allow the Board to consider its decision

9.10 Following the meeting the trainee will be notified of the outcome in writing within five working days of the meeting, confirming the imposition of any sanction.

- Written reprimand
- Restitution of damage
- Exclusion from use of the use of specific SCITT facilities or services
- Temporary or permanent exclusion from the SCITT

10 Appeals – Major Offences

10.1 A trainee may exercise the right to appeal against the outcome of a major disciplinary hearing, by submitting a written request within ten working days of the date of the letter notifying the outcome. All relevant evidence which is to be considered must be submitted with the appeal application. The SCITT will not gather evidence on a trainee's behalf.

10.2 The request for appeal will be considered by the Accounting Officer who will respond to the request within ten working days of receipt of the written request.

10.3 The trainee will be asked to select the ground(s) on which their appeal is being invoked, the request for the right to appeal will only be granted if there is evidence of the following:

- Procedural irregularity
- Bias, or failure to reach a reasonable decision in handling the process

- Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Disciplinary Board.
- The penalty imposed is disproportionate

10.4 If the Accounting Officer considers there is a *prima facie* (the meaning of which is to be read as 'on the face of it') case to be considered, he/she will form a Disciplinary Appeal Board (Major Offence), the membership of which shall comprise:

- The Accounting Officer as Chair
- A member of the SCITT Senior Leadership Team
- A senior leader from a partner school who has not previously been involved with the case

The proceedings will be recorded by a person acting as secretary to the Board.

10.5 The Disciplinary Appeal Board (Major Offence) shall have the authority to:

- Uphold the original decision and penalty imposed
- Uphold the original decision but reduce the penalty imposed
- Overturn the original decision and remove any penalty imposed
- In instances where new information which is presented at the appeal stage causes the Appeal Board to conclude that the offence is more serious than was originally considered, the Board is empowered to impose a greater sanction, including permanent exclusion.

10.6 In cases where the decision of the Disciplinary Board (Major Offences) is to recommend a permanent exclusion, the trainee may request an appeal against this decision. This appeal will be considered initially by a Board constituted of three senior leaders (members) of the SCITT's Partnership who will not previously have been involved in the case, following similar principles and processes as outlined in sections 10.3 – 10.5 above.

10.7 If the Chair of the Appeal Board considers that there are *prima facie* grounds for an appeal (as outlined in 10.3), the Appeal Board will conduct a review of the papers and will invite the trainee to attend an Appeal hearing in person to present their case. A member of the Disciplinary Board (Major Offences) will also be invited in order to respond to the appeal.

10.8 In all cases of appeal the trainee will be notified of the decision within ten working days of the date of the hearing.

11 Disciplinary offences which are also subject to criminal investigation

11.1 Where a case is being investigated by the Police, the SCITT will first and foremost cooperate with the criminal investigation. This will not preclude the SCITT from taking precautionary action where there is deemed a safe guarding and/or health and safety risk to others.

11.2 Where a complaint is made by a trainee against a trainee which result in an investigation by the police, the SCITT reserved the right to inform the complainant of any requirements that the police have place on the SCITT's Disciplinary case.

Where a matter is subject to police investigation as well as the SCITT Disciplinary procedure the SCITT reserved the right to communicate with the police as relevant.

11.3 Where there is a criminal investigation the Head of ITT will make regular contact with the trainee under investigation of the Disciplinary procedure and/or police to review any progress and/or change in status regarding the case. Where there are updates to the progress and/or change in status regarding the case the trainee must update the Head of ITT within 24 hours.

11.4 Where a charge or conviction has been brought, the Head of ITT will make recommendations to the Director of the SCITT who will recommend next steps in-line with sections 6, 7, 9 and 12 taking into account the following guidance:

11.4.1 Where the trainee has been charged or convicted of a criminal offence, the SCITT will review if the offence(s) are a breach of the SCITT's Regulations that may be considered under the procedure. In the case that the matter has resulted in a conviction in a criminal court this shall be taken as conclusive evidence that the alleged offence has occurred, and no investigation shall be required by the SCITT.

11.4.2 Where a charge or criminal conviction has been made, the focus of SCITT disciplinary proceedings may include an assessment of the risk posed to pupils, staff or trainees. It may also include assessment of the material impact caused by reputational damage to the SCITT, particularly when this impedes or interferes with the normal operations of the SCITT, or when it affects important relationships between the SCITT and key individuals, agencies and stakeholders. If disciplinary action is taken, the penalty imposed by the court shall be taken into account when determining any further penalty.

11.4.3 In the case of a charge or criminal conviction, where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a trainee being absent from his/her study for a **period of less than 12 months** it will normally be the case that his/her studies will be interrupted for this period. In such circumstances it will be the responsibility of the trainee to notify the Trainee Cases Office regarding the date of release from custody. The Director of Education and Trainee Experience (or nominee) will then assess the case in accordance with 9.3 above.

11.4.4 In the case of a criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a trainee being absent from his/her training, the trainee will be deemed withdrawn from the SCITT. The trainee may then reapply for admission to the SCITT, and as part of the standard admissions process will be required to declare criminal convictions to be considered prior to a decision regarding an offer of a place.

11.4.5 Where the trainee has been acquitted the SCITT will take into account the decision of the court.

12 Precautionary action in advance of a disciplinary hearing

- 12.1 Where the nature of the alleged disciplinary offence suggests that there may be risk to the safety of others, or where the trainee accused of the offence may be at risk of harm, or where the trainee's presence on site may impede an investigation, the Head of ITT will undertake a risk assessment. This may result in action as follows:
- 12.1.1 As a first step he/she may require the trainee to comply with specific conditions as laid out in a precautionary contract. The precautionary contract should not be regarded as a penalty, and does not indicate that the trainee is presumed guilty of any offence. The purpose of the precautionary contract is outline the expectations of the trainee's conduct during a period of investigation, it could include for example agreeing not to contact another trainee or trainees. The consequence of any breach of these conditions may result in escalation to any of the steps outlined below.
- 12.1.2 Where a trainee fails to adhere to the precautionary contract, this may result in referral to a major disciplinary hearing in accordance with section 6.5 above.
- 12.1.3 A request may be made to the SCITT Director to suspend the trainee from teaching and/or attending training and/or to exclude the trainee from any part or all of the SCITT facilities, grounds and premises, until such a time as any criminal proceedings and/or SCITT disciplinary proceedings have concluded. A precautionary suspension or exclusion should not be regarded as a penalty, and does not indicate that the trainee is presumed guilty of any offence.
- 12.1.3 The decision to temporarily suspend and/or exclude the trainee from all or part of the SCITT (and partner schools), and the reasons why this action is being taken *may* be communicated verbally in the first instance. Where this is the case, written confirmation outlining the reasons for this decision and notice of the right of appeal should be provided within two working days.
- 12.2 The trainee may appeal against the decision to suspend and/or exclude him or herself from all or part of the SCITT, by submitting a written request stating the reason for the appeal to the Accounting Officer within five working days of the date issued on the notice of the exclusion. All relevant evidence which is to be considered must be submitted with the appeal application. The SCITT will not gather evidence on a trainee's behalf.
- 12.3 The Accounting Officer will consider the appeal and may take action as follows:
- Uphold the original decision and confirm the terms of the suspension and/or exclusion
 - Uphold the original decision but reduce or restrict the terms of the suspension and/or exclusion
 - Overturn the original decision and remove the suspension and/or exclusion

In cases where additional information presented as part of the appeal suggests that the level of risk is higher than previously assessed the SCITT Director, the Accounting Officer may increase or extend the terms of the suspension and/or exclusion

- 12.4 The trainee will be notified of the decision within ten working days of the receipt of the letter requesting an appeal.
- 12.5 The decision to suspend and/or exclude a trainee will be reviewed by the SCITT at regular intervals so as to ensure that any relevant change in circumstance are considered in a timely manner. Whilst the precautionary suspension and/or exclusion is in place, the trainee may request a review if there is a relevant change to his/her circumstances. This request should be made in writing to the Accounting Officer who will respond within ten days of the receipt of the letter.

13 Reporting and Monitoring

- 13.1 Records of minor and major offences shall be held by the SCITT team. Information in respect of disciplinary offences will be reported to the relevant Service(s)/Statutory Regulatory Body.
- 13.2 The SCITT manager holding records of minor offences will submit an annual report to the SCITT Director outlining numbers, types and outcomes of disciplinary offences to the.
- 13.3 The management team will compile an annual report of all minor and major disciplinary cases for submission to Strategic Board annually.