



PRENTON HIGH SCHOOL FOR GIRLS

DISCIPLINARY POLICY

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INTRODUCTION

Good standards of conduct must be maintained by our employees at all times because a failure to do so can impact upon our ability to meet our business goals and damage the School's reputation. The standards of conduct expected of all employees are set out in the Code of Conduct.

This Disciplinary Procedure aims to provide a framework within which line managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary. Disciplinary matters will be dealt with fairly and steps will be taken to establish the facts and to give employees the opportunity to respond before taking any formal disciplinary action.

The procedure is used to deal with misconduct. In cases involving genuine sickness absence, proposed redundancies or poor performance, reference should be made to the appropriate policy or procedure.

The procedure applies to all employees. It does not apply to agency workers or self-employed contractors.

If a parent raises a complaint about a member of staff this will be addressed, in the first instance, by the Complaints Policy and/or the Managing Allegations Against Staff Policy

SCOPE AND PURPOSE

The purpose of the procedure is to give a structure to improve conduct to the standards expected and to facilitate the fair dismissal of those who have not improved or whose conduct is so unacceptable as to warrant dismissal without notice.

This policy must be read in conjunction with the Code of Conduct which sets out the standards to be expected of each employee.

The Governing Body delegate their authority in the manner set out in this procedure.

There may be some occasions where an employee's behaviour could also be described as incapability. This Disciplinary Policy and the relevant School's Capability Policy may be used concurrently whilst the School endeavours to ascertain if the behaviour is misconduct or incapability.

There may be occasions where an employee's conduct could relate to their health. This Disciplinary Policy may be used concurrently with the School's Sickness Absence Policy. In particular, if an employee goes off sick following the use of this Disciplinary Policy the School may use its Sickness Absence Policy.

There may be occasions when an employee may use the School's Grievance Policy in connection with actions taken under this Disciplinary Policy. This may not lead to any delay or pause in the conduct of any matters under the Disciplinary Policy.

There may be occasions where this procedure needs to be modified, for example to comply with any requirements in relation to student safeguarding.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with the recognised Trade Unions.

WHO IS RESPONSIBLE FOR THE POLICY?

The Governing Body has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Governing Body has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Headteacher.

The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

DEFINITIONS

In this policy working day means any day on which an employee would ordinarily work if he/she were a full-time employee. In other words, it will be different for teaching and non-teaching staff but will not be different on the basis of whether an employee is full-time or part-time.

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TYPES OF MISCONDUCT

Misconduct usually falls into two main categories depending upon its severity and this, together with whether or not there has been previous misconduct will have an impact upon the appropriate stage of the formal disciplinary procedure that action will be taken, and in turn the maximum disciplinary sanction.

Level of misconduct:	Examples (non-exhaustive):
Misconduct	<ul style="list-style-type: none"> • Minor breaches of our policies, procedures or your contract; • Damage to, or unauthorised use of, our property; • Poor timekeeping or time wasting; • Unauthorised absence from work (less serious cases); • Refusal to follow instructions; • Excessive personal e-mail, internet or telephone usage; • Minor use of obscene language or other minor offensive behaviour; • Negligence in the performance of your duties; or • Smoking in no-smoking areas.
Gross misconduct	<ul style="list-style-type: none"> • Theft, or unauthorised removal of our property or the property of a colleague, contractor, student or member of the public; • Fraud, forgery or other dishonesty, including fabrication of expense claims [and time sheets]; • Actual or threatened violence, or behaviour which provokes violence; • Bullying; • Deliberate and serious damage to property or the property of a colleague, contractor, student or member of the public; • Serious misuse of our property or name; • Deliberately accessing internet sites containing pornographic, offensive or obscene material; • Serious insubordination; • Repeated or serious failure to obey instructions; • Unlawful discrimination or harassment; • Behaviour which may in our opinion bring the School into serious disrepute; • Being under the influence of alcohol, illegal drugs or other substances during working hours; • Causing loss, damage or injury through serious negligence; • Serious or repeated breach of health and safety rules or serious misuse of safety equipment; • Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure; • Accepting or offering a bribe or other secret payment or other breach of our Anti-bribery Policy; • Failure to comply with our Corporate Gifts and Hospitality Policy; • Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, student or the public, or

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	<p>otherwise affects your suitability to continue to work for us;</p> <ul style="list-style-type: none"> • Possession, use, supply or attempted supply of illegal drugs; • Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures; • Knowing breach of statutory rules affecting your work; • Unauthorised use, processing or disclosure of personal data contrary to our Data Privacy Policy [and/or Data Security Policy]; • Harassment of, or discrimination against, employees, contractors, or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age, contrary to our Equal Opportunities Policy or Dignity at Work Policy];] • Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties; • Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits; • Knowingly taking a period of statutory leave (e.g. maternity, paternity, adoption, shared parental, parental bereavement, parental or carer's leave) when you are not in fact eligible to do so, or taking leave for a purpose other than as outlined in the relevant policy; • Unauthorised absence from work (serious cases or where your request for time off was refused); • Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith; • Making untrue allegations in bad faith against a colleague; • Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-bribery Policy, Equal Opportunities Procedure, Dignity at Work Policy, Grievance Procedure, Disciplinary Procedure or otherwise; • Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet); • Undertaking unauthorised paid or unpaid employment during your working hours; • Unauthorised entry into an area of the premises to which access is prohibited.
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INFORMAL ACTION

The School will, where appropriate, try and deal with matters on an informal basis. It is often the case that minor issues of conduct can be resolved informally between an employee and their manager and in many cases this will be the appropriate way to address any concerns. Informal discussions may be held with a view to (for example):

- Identifying areas of concern;
- Clarifying the required standards of behaviour; and

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- Allowing the employee to explain any mitigating factors.

If you wish you may be accompanied by a colleague or trade union representative (although we may, at our discretion, permit a different kind of companion where this will help overcome particular difficulties caused by a disability or a language barrier).

An employee's line manager may raise a concern at any time about any conduct falling short of the standard expected.

The Senior Leadership Team may issue a Management Instruction, this will be recorded in writing and referred to at a later stage to evidence that an informal approach was attempted and the success or failure of such an approach.

Failure to comply with informal action should not on its own be used as justification for issuing a higher form of sanction than would otherwise have been imposed under the formal process.

It is also possible for the parties to agree an outcome to a formal process and sanction prior to a formal disciplinary meeting being held. Any such agreement will be recorded in writing.

FORMAL DISCIPLINARY PROCEDURE

The formal disciplinary procedure should be used for:

- More serious cases;
- Cases involving a parent complaint about your behaviour; or
- Any case where informal discussions have not resulted in a satisfactory improvement in your behaviour.

If an employee is still within their probationary period, the formal disciplinary procedure set out below may be shortened at our discretion (e.g. stages may be skipped), and in some circumstances dismissal without previous warnings may be appropriate.

INVESTIGATING, DISCIPLINARY AND APPEAL MANAGERS

The personnel responsible for each stage of this policy depends on the role the relevant employee performs.

The following table describes the normal course of action although this may be subject to change depending on the circumstances of the individual case.

Employee Level	Investigating Manager	Disciplinary Manager	Appeal Manager
Headteacher	The Chair of Governors or a non-staff Governor nominated by the Chair of Governors	Governors' Disciplinary Panel as appointed by the Chair of Governors	Governors' Appeal Panel as appointed by the Chair of Governors
Other Leadership Spine	Headteacher	The Chair of Governors or a non-staff Governor nominated by the Chair of Governors	Governors' Appeal Panel as appointed by the Chair of Governors
Other Teaching Staff (if Headteacher makes allegation)	Member of Senior Leadership Team (other than Headteacher) appointed by the Headteacher	The Chair of Governors or a non-staff Governor nominated by the Chair of Governors	Governors' Appeal Panel as appointed by the Chair of Governors

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Other Teaching Staff	Member of Senior Leadership Team (other than Headteacher) appointed by the Headteacher	Headteacher (if action could result in dismissal a Governors' Disciplinary Panel as appointed by the Chair of Governors)	Governors' Appeal Panel as appointed by the Chair of Governors
Other Support Staff	Member of Senior Leadership Team (other than Headteacher) appointed by the Headteacher	Headteacher (if action could result in dismissal a Governors' Disciplinary Panel as appointed by the Chair of Governors)	Governors' Appeal Panel as appointed by the Chair of Governors

SUSPENSION

In cases where it is justified, after a preliminary investigation, the Headteacher or the Chair of Governors may suspend an employee for a reasonable period of time.

The Headteacher must inform the Chair of Governors of the suspension or in the event of suspension by the Chair of Governors the Chair must inform the Governing Body (excluding staff Governors).

This period of suspension must be reviewed by the Chair of Governors at intermittent intervals and must be no longer than is required depending on the circumstances.

Suspension should ideally be undertaken in person but may be undertaken in writing. If it is undertaken in person it will be confirmed in writing. Where practicable, the employee will be entitled to be accompanied by their Trade Union representative but their non-availability will not delay a suspension meeting.

Suspension may be justified in cases where:

- Relationships have broken down.
- Gross misconduct is alleged.
- There are reasonable concerns that evidence or witnesses could be interfered with.
- There are responsibilities to other parties.
- To protect students or property.

Suspension is not a disciplinary sanction. It does not imply that any decision has already been made about the allegations. An employee will receive full pay and benefits during a period of suspension (unless he/she is otherwise absent from work due to sickness or other leave and have exhausted the full pay entitlements connected to his/her absence). The employee will also receive details of a named contact during any period of suspension.

During a period of suspension, in relation to the allegation, the School may require an employee not:

- to attend School at any time (except with the prior agreement of the Headteacher or Chair of Governors)
- to communicate in any way with colleagues, parents, students and governors except:
 - with the prior agreement of the Headteacher/Chair of Governors or
 - where following the investigation an employee is called to a formal disciplinary meeting, when he/she may then approach governors, parents or students as potential witnesses but this must be done via the Investigating Manager to avoid any breach of the Data Protection Act or confidentiality.
- to discuss the fact of an employee's suspension or the fact of or nature of the allegations against him/her with any member of staff except:

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- with the prior agreement of the Headteacher/Chair of Governors;
- for communication with his/her union representative;
- where he/she is called to an interview with the Investigating Manager or a disciplinary meeting when he/she may approach work colleagues for the purposes of identifying a willing work companion but only if he/she does not have a trade union representative, or
- where he/she is called to a formal disciplinary meeting he/she may approach work colleagues as potential witnesses in support of his/her case.

During a period of suspension the School may suspend an employee’s access to his/her email account/intranet.

During a period of suspension the School may take such steps as necessary to cover an employee’s lessons or other commitments.

FORMAL PROCESS

Disciplinary investigations

Save where an act of misconduct is admitted, we will conduct a disciplinary investigation to establish a fair and balanced view of the facts relating to any disciplinary allegations, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

You are required to co-operate fully and promptly in any disciplinary investigation, whether it is you being investigated or a colleague. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents or other evidence to us, and attending investigative interviews if required.

During any disciplinary investigation, we may interview and take statements from the person being investigated and any witnesses for fact-finding purposes. These investigatory meetings may take place without advanced notice and without you first being given information about the allegations being investigated (whether it is your conduct being investigated, or you are being questioned as a witness).

Anyone who is interviewed as part of a disciplinary investigation is expected to:

- Be truthful in the answers and evidence they provide; and
- Respect the confidentiality of the process and must not discuss the details of the disciplinary investigation with anyone other than the investigator.

Anyone who is interviewed as part of, or otherwise involved in, a disciplinary investigation may suggest the names of other potential witnesses who may be able to assist the investigation. However, the investigator has the ultimate discretion to decide whether to interview any suggested witnesses. We will not usually interview any potential witness who is not a member of our current staff, or who is an ex-employee of ours, even if they are willing to be interviewed.

If you wish you may be accompanied by a colleague or trade union representative (although we may, at our discretion, permit a different kind of companion where this will help overcome particular difficulties caused by a disability or a language barrier).

All interviewees will be provided with a summary of their evidence and will be given an opportunity to correct any mistakes or clarify what they want to say. The investigator has the ultimate discretion to decide whether to use agreed interview minutes (approved by the person being interviewed), or whether to produce formal witness statements.

Depending on the size and nature of the investigation, the investigator may be asked to prepare a formal investigation report. However, for small investigations, less serious misconduct allegations or where the misconduct is admitted, this may not always be necessary or appropriate.

If a formal investigation report is produced this will:

- Detail who conducted the investigation and the individual(s) being investigated;
- Note any relevant background and history of the individual(s) being investigated (e.g. prior disciplinary warnings);

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- Detail the allegation(s) being investigated;
- Detail who was interviewed as part of the investigation and, if applicable, explain why the investigator decided not to interview proposed witnesses;
- Explain what evidence was considered and, if applicable, explain why the investigator decided not to consider proposed evidence (e.g. because it was unavailable);
- Detail the investigator's factual findings, including a summary and evaluation of the evidence;
- Detail the investigator's conclusion of whether there is sufficient evidence to proceed to the next stage of the disciplinary process; and
- Attach all witness statements and other relevant evidence considered.]

Disciplinary hearings: general principles

If the School considers that there are grounds for taking formal disciplinary action over alleged misconduct, you will be required to attend a disciplinary hearing as soon as reasonably practicable. You will be given no less than ten days' notice of the hearing and you may be accompanied by a colleague or trade union representative (although we may, at our discretion, permit a different kind of companion where this will help overcome particular difficulties caused by a disability or a language barrier).

The invitation to attend a disciplinary hearing will contain:

- A summary of relevant information gathered during the investigation;
- Details of the alleged misconduct or gross misconduct;
- A copy of any relevant documents which will be used at the disciplinary hearing;
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality; and
- The likely disciplinary sanction if we decide after the hearing that your conduct has been unsatisfactory.

The aim of each disciplinary hearing (whatever the stage of the formal disciplinary process) is to:

- Identify areas in which your conduct is unsatisfactory;
- Allow you the opportunity to explain your conduct and ask any relevant questions; and
- Set out the required behavioural standards and decide whether to impose a disciplinary sanction.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You can respond to or challenge any evidence given by any witness(es), but will not normally be permitted to cross-examine them.

You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. We will not usually delay a disciplinary hearing because you:

- Have raised a grievance; or
- Are signed off work sick (unless there is good reason to believe that your mental or physical health will improve during a short adjournment).

If you fail to attend a disciplinary hearing without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

A disciplinary hearing may be adjourned if the School needs to gather any further information, or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

A written note will usually be taken of any disciplinary hearing. Recording of disciplinary hearings (by tape, dictaphone, mp3 or other media) will not normally be permitted.

We will inform you in writing of our decision and our reasons for it, usually within 14 days of the disciplinary hearing.

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Appeal

If the Disciplinary Manager decides to impose a formal disciplinary sanction the employee will have the right to appeal to the Appeal Manager provided that he/she does so in writing to the Disciplinary Manager within 10 working days of the written notification of the disciplinary decision.

An appeal must set out the grounds of appeal in detail. This will enable the Disciplinary Manager and Appeal Manager to determine if the appeal is to be by way of a rehearing of the case or by way of a review of the case.

If the employee is appealing against dismissal, the date on which the dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.

The Appeal meeting will normally take place within 20 working days of the notice of appeal being received by the Disciplinary Manager.

The Appeal Manager may not impose a more severe sanction than that imposed by the Disciplinary Manager.

The Appeal Manager may consider any new evidence produced by the employee not available to the Disciplinary Manager.

The Appeal Manager may only consider new evidence produced by the Disciplinary Manager if it touches upon the employee's credibility in relation to evidence he/she has already given or if it rebuts any new evidence produced by the employee or any assertions made by him/her in the grounds of appeal.

If the Appeal Manager considers that any new evidence from whatever source would warrant a more severe sanction the Appeal Manager shall refer the matter to the original Disciplinary Manager for consideration and the Disciplinary Manager may impose a more severe sanction. If there was an appeal against such an increased sanction, it would be heard (where possible) by a different Appeal Manager.

The Appeal Manager is not required to hear oral evidence from witnesses and may rely on written evidence.

If the Appeal Manager does decide to hear oral witness evidence, the employee will be given an opportunity to comment on it during the meeting.

The employee will be informed in writing of the Appeal Manager's decision as soon as possible, and usually within 10 working days of any appeal meeting. There is no further right of appeal.

FORMAL SANCTIONS

The Disciplinary Manager may impose the following sanctions:

a) **A Verbal Warning**

A Verbal Warning will remain live for 6 months from the date that the Disciplinary Manager's written decision was sent to the employee.

For a first disciplinary offence (ignoring any informal action), a Verbal Warning would be the normal response.

Once a Verbal Warning has expired it will be removed from an employee's formal record (with the exception of any issues relating to safeguarding) and disregarded in deciding the outcome of any future formal procedure.

b) **A First Written Warning**

A First Written Warning will remain live for 12 months from the date that the Disciplinary Manager's written decision was sent to the employee.

A First Written Warning would normally be given for a second disciplinary offence committed or discovered during the currency of a live Verbal Warning (even if that Verbal Warning related to a different type of misconduct).

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A First Written Warning could be given for serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

Once a First Written Warning has expired it will be removed from an employee's formal record (with the exception of any issues relating to safeguarding) and disregarded in deciding the outcome of any future formal procedure.

c) A Final Written Warning

A Final Written Warning will remain live for 18 months from the date that the Disciplinary Manager's written decision was sent to the employee.

A Final Written Warning would normally be given for a third disciplinary offence committed or discovered during the currency of a live First Written Warning (even if that First Written Warning related to a different type of misconduct).

A Final Written Warning could be given for more serious misconduct regardless of previous disciplinary history if the conduct is sufficiently serious.

Once a Final Written Warning has expired it will be removed from an employee's record (with the exception of any issues relating to safeguarding) and disregarded in deciding the outcome of any future formal procedure.

d) Dismissal on notice

Dismissal on contractual notice would be given for a disciplinary offence (other than an act of gross misconduct) committed or discovered during the currency of a live Final Written Warning (even if the Final Written Warning related to a different type of misconduct).

For the avoidance of doubt, the notice commences immediately and does not await the outcome of any appeal.

If the employee's contract contains a payment in lieu of notice clause the School may exercise that clause to bring an employee's contract to an end with immediate effect.

e) Dismissal without notice or compensation

Dismissal without notice or compensation (also known as Summary Dismissal) will only occur if an employee has committed an act of gross misconduct or otherwise have destroyed the trust and confidence required between the employee and the School.

For the avoidance of doubt the dismissal takes effect immediately and does not await the outcome of any appeal.

The Code of Conduct contains a non-exhaustive list of matters which the School considers may amount to gross misconduct.

f) Voluntary demotion as an alternative to higher formal sanction

Where appropriate, the Disciplinary Manager may offer an employee the option of reviewing their current responsibilities which could include discussion of the option of taking a voluntary demotion, as an alternative to a higher formal sanction.

g) Alternatives to dismissal

In some circumstances, we may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- Demotion;
- Transfer to another department or job;
- A period of suspension without pay;
- Loss of seniority;
- Reduction in pay or loss of future pay increment or bonus; or
- Loss of overtime.

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GOVERNOR PANELS

Governor Disciplinary and Appeal Panels shall comprise two/three non-staff governors not previously involved in the matter.

In the event that there are insufficient numbers of Governors available to participate in a Panel, the Chair of Governors as appropriate may appoint associate members to solely participate in the appropriate Panel.

DISABILITIES

At each stage of this disciplinary procedure, consideration should be given to whether the conduct issues are related to a disability and if so, whether there are reasonable adjustments that could be made to the requirements of the job or other aspects of the working arrangements to alleviate the disadvantage.

If you have difficulty at any stage of the disciplinary procedure because of a disability, or wish to inform the School of any medical condition you consider relevant, you should contact your manager.

CONFIDENTIALITY

Confidentiality is very important and it is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may, in itself, give rise to disciplinary action under our Disciplinary Procedure.

Information about any disciplinary action (whether informal or formal) will be placed on your personnel file, along with a record of the outcome (including any disciplinary sanction imposed) and of any notes or other documents compiled during the process.

RIGHT TO BE ACCOMPANIED

If an employee is the subject of disciplinary allegations leading to a disciplinary interview by the Investigation Manager or a meeting with the Disciplinary Manager or Appeal Manager he/she may be accompanied at such interview or meeting by a companion who must be either a willing work colleague not involved in the substance of the allegations against the employee or an accredited trade union representative. A Trade Union representative is anyone appearing on the certification officers list of a Trade Union.

The employee must let the relevant Manager know who his/her companion will be at least two working day before the interview or meeting.

If the employee has any particular need, for example, a disability which causes him/her a substantial disadvantage, adjustments may be made to the procedure to allow him/her to participate and in limited circumstances this may include allowing the employee to be accompanied by someone other than is listed in clause 11.1.

The companion can address the meeting in order to:

- put forward the employee's case
- sum up the employee's case
- respond on behalf of the employee to any view expressed at the interview meeting.

The companion can also confer with the employee during the interview meeting.

The companion has no right to answer questions on the employee's behalf, or to address the interview meeting if the employee does not wish it, or to prevent the employee from explaining his/her case.

Where the employee has identified a companion to the relevant Manager and the companion has confirmed in writing to the relevant Manager that they cannot attend the date or time set for the interview meeting, the relevant Manager may postpone the interview meeting provided that the employee has suggested an alternative date within 5 working days of the original date set by the **School**, to a date or time agreed were possible with the companion provided that it is reasonable.

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TIMING OF MEETINGS

Meetings under this procedure may:

- need to be held when an employee is timetabled to teach
- exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation provided that the PPA is allocated back to the employee at another time.
- exceptionally be held after the end of the School day, where there are no possible alternatives, to avoid unnecessary delays.
- not be held on days on which an employee would not ordinarily work.

Meetings may take place in the absence of an employee in the event he/she is not able to attend a scheduled meeting and it is considered appropriate by the School to do so in the relevant circumstances.

VENUE FOR MEETINGS

If the allegations are sensitive the relevant Manager may hold the interview or meeting off the School site, at a safe venue.

TRADE UNION OFFICERS

Where disciplinary action is being considered against an employee who is a recognised trade union representative the normal disciplinary procedure should be followed. Such matters should be discussed at an early stage with an official employed by the union, after obtaining the employee's agreement.

CRIMINAL OFFENCES

If an employee is charged with, or convicted of, a criminal offence (outside of employment) this will not normally in itself be considered a reason for disciplinary action. In such circumstances, the facts of the case would be clarified through a formal investigation and then consideration would be given as to whether the matter warrants formal disciplinary proceedings, having taken into account whether the alleged incident, act, or behaviour affects an employee's suitability for their job and/or the reputation of the School. In the case of teachers, the content and effect of the Teachers Standards will be taken into account when deciding whether, or not, the matter may warrant formal disciplinary sanctions.

REFERRAL

Where a teacher is dismissed for serious misconduct (or may have been dismissed for serious misconduct if the teacher had not resigned) the School must consider whether to refer the case to the Teaching Regulation Agency if there has been unacceptable professional conduct, conduct that may bring the profession into disrepute, or a conviction at any time of a relevant offence.

Where a person working within the School (whether a teacher or not) is dismissed or would have been dismissed if they had not resigned because that person committed conduct:

- which endangered a student or was likely to endanger a student
- which if repeated against or in relation to a student, would endanger that student or would be likely to endanger them
- involving sexual material relating to students (including possession of such material)
- involving sexually explicit images depicting violence against human beings (including possession of such images)
- of a sexual nature involving a student

the School must refer that person to the Disclosure and Barring Service under section 35 of the Safeguarding Vulnerable Groups Act 2006 and follow local safeguarding procedures, with a referral to the Local Authority Designated Officer.

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LINKED POLICIES:

- Capability Policy
- Code of Conduct
- Grievance Policy
- Sickness Absence Policy

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APPENDIX 1 – SUGGESTED DISCIPLINARY HEARING PROCEDURE

1. The employee and his/her representative and the manager or other person presenting the case shall attend the hearing simultaneously to present their respective cases.
2. The Disciplinary Manager will perform the necessary introductions.
3. The Investigating Manager may present the findings of the investigation **in a fact-giving capacity** and may call witnesses.
4. The employee and/or the employee’s representative may put appropriate questions to the Investigation Manager regarding the investigation.
5. The employee and/or the employee’s representative will present the employee’s case and may call witnesses (with advance notice).
6. If a witness gives evidence orally at the disciplinary hearing the other party may put appropriate questions to it (with the exception of student witnesses).
7. The Disciplinary Manager may ask questions of the Investigation Manager, any witnesses or the employee at any point during the hearing.
8. The employee and/or the employee’s representative will have an opportunity to sum up the employee’s case.
9. The hearing will then be adjourned for the Disciplinary Manager to deliberate, review the evidence and make a decision on the outcome.

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