Disciplinary policy

Date Approved	Committee responsible for review of policy	Next Review Date	Policy on Website	Statutory Policy
May 2026	FGB	May 2027	N	Y

Headteacher: Mrs Emma Humphrey

This policy has been taken from the Hampshire County Council (HCC) Manual of Personnel Practice

Disciplinary Policy

1. Purpose

The School expects all employees to display the highest standards of conduct and behaviour. Employees are expected to demonstrate these standards when carrying out their role and to follow the rules, policies and procedures at all times.

The School is committed to assisting employees to achieve the required standards of conduct and behaviour. The School will provide employees with the necessary information, advice, support and encouragement. The School has a code of conduct which provides a framework within which it is expected employees will work.
There may be circumstances when an employee's conduct and behaviour does not meet the School's expectations. There are examples of inappropriate conduct and behaviour in Appendices One and Two of the How to Guide that accompanies the policy. In such cases, the School will take action and the Disciplinary policy defines the framework for the approach that will be taken.

When applying the Disciplinary policy, the School will treat the employee reasonably, consistently and fairly.

2. Scope

The policy and the how to guide apply to:	• Teachers including Leadership, Upper Pay Range, Main Pay Range and Unqualified Teachers • Support Staff.
The policy and the how to guide do not apply to:	• Volunteers • Contractors • Agency workers.

This policy is non contractual and does not form part of any employee's terms and conditions.

Employees who have been subject to a TUPE transfer into the School may be excluded from this policy where they have transferred under a contractual policy. In such cases, the employee should refer to their contractual policies and procedures. Further advice must be sought from Education Personnel

Services.

Catholic schools have a separate disciplinary procedure produced by the Catholic Education Service which must be followed.

Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point within this procedure.

The School expects all parties to maintain confidentiality throughout the application of the policy.

3. Managing a disciplinary matter

Definitions

Misconduct - is an act of either wilful or negligent conduct, behaviour or omission.

Gross misconduct - is an act of misconduct which is so serious in nature that it fundamentally damages the employment relationship and justifies dismissal without notice.

Initial assessment

All disciplinary matters must have an initial assessment.

If the initial assessment identifies a safeguarding concern, then the appropriate manager must follow Hampshire's child protection procedures. Advice must be sought from Education Personnel Services. The principles of safeguarding apply.

This initial assessment will determine whether any further action is required. It is not part of any formal investigation.

A record must be made of the initial assessment.

Policy stages and principles

The possible stages are:

- informal stage
- investigation
- formal stage hearing – may result in dismissal
- appeal after formal stage hearing.

The appropriate manager must establish the immediate circumstances by carrying out an initial assessment, prior to commencing any further action under this policy

Any disciplinary matter will be addressed promptly, fairly and proportionately.

Wherever possible and appropriate minor disciplinary issues should be dealt with informally.

Education Personnel Services must be advised of all formal disciplinary concerns.

4. Informal stage

Reference must be made to the How to Guide – Disciplinary for the full procedural information.

Informal stage

The initial assessment may identify that the disciplinary matter is minor or can be addressed informally. In such cases, the appropriate manager must discuss the matter promptly with the employee by having an informal discussion.

Right of representation

The employee is not usually represented/ accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be represented. This can be by a professional association/ trade union representative or a work colleague. Consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.

Outcome(s) of the informal stage

The appropriate manager must decide on the outcome.

Further information obtained during a discussion at the informal stage may mean the disciplinary matter needs to be reassessed and may require formal action.

A record must be made of each discussion. The manager must:

- seek to agree the record with the employee if possible
- share the record with the employee
- keep a copy on the employee's personnel file.

5. Formal stage

Reference must be made to the How to Guide – Disciplinary for the full procedural information.

Investigation

An investigating officer appropriate to the circumstances of the case will be appointed by the School.

The investigating officer is responsible for the investigation into the disciplinary matter. The purpose of the investigation is to establish the facts and the required course of action.

The investigation must be unbiased, proportionate and fair. It must be undertaken as a matter of priority.

On completion of the investigation, the investigating officer will recommend whether:

- there is no case to answer

- the case proceeds to a formal hearing
- alternative action is more appropriate.

Formal stage hearing

At the formal stage, the employee must be invited to attend a hearing.

Hearing arrangements

The employee must be invited in writing to attend the hearing.

The letter must give the employee **7 working days'** notice of the hearing.

Formal record of the hearing

A formal record must be taken during the hearing. This may be made by audio recording the hearing or by a note taker. It is the School's responsibility to make the appropriate arrangements.

If an audio recording takes place, a copy of the recording must be retained by the School. The School must comply with all relevant retention and storage requirements.

For governor hearings in maintained schools, there remains a legal requirement to have a written record of the meeting of the Governor Committee.

Alternative date

The School expects that the employee and their representative will make all reasonable efforts to attend the first scheduled hearing date and time.

If this is not possible, the employee may propose an alternative date and/ or time. This should be within **5 working days** of the original hearing.

The hearing will then be rescheduled.

Sharing of information

The investigating officer and employee are required to exchange all relevant papers and supporting evidence in advance of the hearing. Management documents will be supplied to the employee with the invitation letter.

The employee or their representative must submit all relevant papers and supporting evidence to arrive with the chair at least **3 working days** before a hearing.

Right of representation

The employee has the right to be represented/ accompanied at a formal stage hearing or appeal hearing. This can be by a professional association/ trade union representative or a work colleague. The right to be accompanied is limited to one person only.

It is the employee's responsibility to:

- arrange their own representative
- liaise with their representative to agree the formal hearing or appeal hearing date and time
- advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

Attending formal hearings

If the employee is not well enough to attend the hearing, it may be deferred until they are able to attend. A hearing will not be deferred indefinitely because the employee is unable to attend.

Outcome of a formal hearing

The Headteacher/ Governors' Disciplinary Committee must fully consider all evidence presented. The Headteacher/ Governors' Disciplinary Committee must decide whether the misconduct/ gross misconduct is proven and if so how it will be managed and whether to apply a sanction.

A written warning may be issued and this can be:

- a first written warning of up to 12 months unless a longer period is justified OR
- a final written warning of up to 24 months unless a longer period is justified
- **For employees with less than two years service -** a final written warning of between 12 – 24 months.

At a formal hearing the employee may be dismissed on the grounds of conduct.

The Headteacher/ Governors' Disciplinary Committee must confirm the outcome in writing within **5 working days** of the hearing. A copy of the outcome letter and any warning must be placed on the employee's personnel file.

If an employee is dismissed, any sums owing to the School from the employee will normally be deducted from their final pay.

For summary dismissal only - the dismissal will be without notice or pay in lieu of notice.

6. Appeal

Reference must be made to the How to Guide – Disciplinary for the full procedural information.

Appeal stage

The employee has the right to appeal against the outcome of a formal hearing.

For employees with less than two years' continuous service – the employee only has the right to appeal against a decision to dismiss. There is no right of appeal against a warning.

Right of appeal

The employee must submit their appeal in writing. This must be within **10 working days** of the date of the letter confirming the outcome of the formal stage hearing. The letter must include the full reasons for the appeal.

Following an appeal of a formal stage hearing, there is no further right of internal

appeal.

Appeal hearing	The employee must be invited to attend an appeal hearing. The employee must be given a minimum of **7 working days** notice of the hearing.
Alternative date	The principles of alternative date will apply.
Sharing of information	The principles of sharing of information will apply.
Right of representation	The principles of right of representation will apply.
Outcome of the appeal hearing	The Governors' Disciplinary Committee must fully consider all evidence presented and decide on an outcome. The outcome cannot impose a higher sanction than issued at the formal hearing. The Governors' Disciplinary Committee must advise the employee of the outcome at the appeal meeting unless otherwise agreed. The outcome must be confirmed in writing within **3 working days** of the hearing. A copy of the outcome letter must be placed on the employee's personnel file.

7. Other policy requirements

Confidentiality	It is expected that all parties involved in the disciplinary process will maintain confidentiality as appropriate. This is both within and outside of the School (including social media). If any party does not maintain confidentiality further action may be taken under the Disciplinary policy.
Right of Representation	Employees are actively encouraged to contact their professional association/ trade union representative at the earliest opportunity to obtain advice and support at any point within this procedure. The employee is not usually represented/ accompanied at any discussions within the informal stage of the policy. There may be circumstances when the employee asks to be represented. This can be by a professional association/ trade union representative or a work colleague. Consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process. An employee can request to be accompanied at an investigation or suspension meeting by a professional association/ trade union representative or a work colleague. In such cases, this should normally be accommodated where it does

not cause any unnecessary delay in scheduling the meeting.

The employee has the right to be represented/ accompanied at a formal stage hearing or appeal hearing. This can be by a professional association/ trade union representative or a work colleague. The right to be accompanied is limited to one person only.

It is the employee's responsibility to:

- arrange their own representative
- liaise with their representative to agree the formal hearing or appeal hearing date and time
- advise management of the representative's details.

There is no right to legal representation at any stage of this policy.

Suspension or alternative arrangements

Before making a decision about suspension or alternative arrangements, the appropriate manager must seek advice from Education Personnel Services.

Suspension or alternative arrangements are neutral and precautionary acts. They may be considered at any point during this policy, once the initial assessment and/ or investigation have established that the circumstances may be gross misconduct.

The appropriate governance arrangements must be adhered to in deciding whether suspension or alternative arrangements are appropriate.

During suspension or whilst alternative arrangements are in place, an employee continues to receive normal contractual pay and is required to be available for meetings and to follow normal reporting procedures such as sickness absence and annual leave. In such cases, an employee will receive pay in accordance with the annual leave or sick pay scheme.

Written confirmation of the decision regarding suspension must be provided to the employee.

Suspension or alternative arrangements must be regularly reviewed.

There is no right of appeal against the decision to suspend an employee.

Criminal offences

Where an employee is subject to a criminal investigation, the Headteacher/ senior member of staff must contact the Lead Investigation Officer within the police authority. This is to ensure that any internal investigation will not obstruct the criminal investigation.

Advice must be sought from Education Personnel Services in this situation.

Safeguarding

Any allegation relating to a safeguarding concern against an employee must be

concern (relating to vulnerable adults, children and young people)	dealt with in accordance with Hampshire's child protection procedures. This ensures that a child, young person or vulnerable adult is not at risk or that a police or social care investigation is not prejudiced. Advice must be sought from Education Personnel Services in this situation.
Referral to relevant bodies	In the following circumstances it may be necessary to make a referral to the relevant body: • if a dismissal takes place • in circumstances where a disciplinary process has not concluded and the potential outcome may have resulted in dismissal. Where there is a requirement to make a referral to a relevant body, the employee must be notified in writing that such a referral has taken place. Further guidance is available from Education Personnel Services.
Employees with less than two years' continuous service	The same policy principles, stages (except for an appeal against a warning) and process for managing disciplinary matters apply to employees with less than two years' continuous service. There are some areas of difference which are contained in the policy. These differences allow greater flexibility as the Headteacher/ Governors' Disciplinary Committee may reasonably decide that misconduct as opposed to gross misconduct is a sufficient reason to dismiss.
Formal action concerning a professional association/ trade union representative	Where there are misconduct concerns relating to a professional association/ trade union representative, the appropriate manager must notify and seek advice from Education Personnel Services before taking any formal action.

8. Policy governance

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