



## Whole School Disciplinary Policy

Phase of school this policy relates to

Early Years	Primary	Secondary	<b>Whole School</b>
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Date created:	July 2019
Date reviewed:	<b>Summer 1 2025/26</b>
Next review date:	<b>Summer 1 2027/28</b>
Policy lead staff member:	<b>Leanna Barrett</b>
Link governor:	<b>Neil Smith (ratified May 26)</b>

The disciplinary policy and procedures apply to all members of staff. They are available on the school website and highlighted to staff prior to starting their employment.

This policy is informed by the ACAS Code of Practice on Disciplinary and Grievance Procedures and aims to ensure fairness, consistency and transparency in all disciplinary matters.

Liberty Woodland School is committed to maintaining a professional, respectful and safe working environment for all staff and pupils. The School aims wherever possible to resolve concerns constructively and supportively, while ensuring that appropriate standards of conduct are maintained.

# 1. PURPOSE

The purpose of this policy is to:

- promote high standards of professional conduct;
- ensure fair and consistent treatment of staff;
- provide a clear framework for managing disciplinary matters;
- protect the welfare of pupils and staff; and
- ensure compliance with employment law, safeguarding obligations and statutory guidance.

# 2. SCOPE

This policy applies to all employees of Liberty Woodland School, including permanent, temporary, fixed-term and part-time staff.

This policy does not apply to issues of capability or performance where the staff member is willing and able to improve. Such matters will normally be managed under the School's appraisal or capability procedures unless misconduct is involved.

# 3. GUIDING PRINCIPLES

The School will:

- act reasonably and fairly;
- carry out necessary investigations before disciplinary decisions are made;
- ensure staff understand the concerns raised;
- allow staff the opportunity to respond;
- allow staff to be accompanied at formal hearings;
- make reasonable adjustments where required under the Equality Act 2010;
- handle matters confidentially wherever possible; and
- seek to resolve issues proportionately and professionally.

The School recognises that some staff may require additional support during disciplinary processes due to disability, neurodiversity, mental health needs, pregnancy, language needs or other protected characteristics. Reasonable adjustments will be considered on an individual basis.

# 4. INFORMAL RESOLUTION

Minor cases of misconduct will be dealt with informally with the objective of improving conduct. Where the matter is more serious or where there is a failure to improve conduct, formal action will be taken.

Informal action may include:

- professional conversations;
- coaching or mentoring;
- clarification of expectations;
- additional training;
- restorative discussions; or
- informal management guidance.

Informal action is not normally part of the formal disciplinary procedure, although notes may be retained by the manager for monitoring purposes.

## **5. MISCONDUCT AND GROSS MISCONDUCT**

### **5.1 Misconduct**

Examples of misconduct may include, but are not limited to:

- poor punctuality or attendance;
- minor breaches of School policies;
- inappropriate language or behaviour;
- failure to follow reasonable management instructions;
- misuse of School equipment;
- minor breaches of professional standards; or
- failure to maintain appropriate professional boundaries.

### **5.2 Gross Misconduct**

Examples of gross misconduct may include, but are not limited to:

- serious safeguarding breaches;
- physical violence or threatening behaviour;
- serious insubordination;
- theft, fraud or deliberate falsification of records;
- serious breaches of confidentiality;
- serious misuse of technology or social media;
- discriminatory, abusive or harassing conduct;
- Taking and or being under the influence of alcohol or illegal drugs whilst at work;
- conduct likely to bring the School into serious disrepute;
- serious breaches of health and safety; or
- serious breaches of the Staff Code of Conduct or safeguarding procedures;
- Illegal actions or activities or any kind.

Gross misconduct may result in summary dismissal.

## 6. SAFEGUARDING CONSIDERATIONS

Where allegations relate to safeguarding, child protection, low-level concerns or conduct towards pupils, the School's safeguarding procedures will also apply. The disciplinary process may run alongside safeguarding investigations where appropriate.

The School may, where required, make referrals to external agencies including the Local Authority Designated Officer (LADO), Disclosure and Barring Service (DBS), Teaching Regulation Agency (TRA) or police.

Nothing in this policy overrides the School's statutory safeguarding obligations.

## 7. FORMAL PROCEDURE

### 7.1 Overview

There are four stages of the procedure:

**Step 1: Notification and identification of the occurrence/concern/event to a member of SLT**

**Step 2: Investigation**

**Step 3: Disciplinary Hearing**

**Step 4: Decision**

### 7.2 Investigation

No disciplinary action will be taken against a member of staff until an investigation into any allegations has been completed. The School shall, at its sole discretion, determine who is the appropriate person to carry out the role of the investigating officer.

On completion of the investigation, the investigating officer will recommend whether or not a disciplinary hearing should be convened.

Investigations will be conducted as promptly as reasonably practicable and may include interviews, written statements, review of records, digital evidence where appropriate and lawful.

### 7.3 Suspension

During the course of any investigation, the School shall be entitled to suspend a member of staff on full pay.

Suspension is a neutral act and does not imply guilt or disciplinary sanction. The School will only use suspension where it is considered necessary and proportionate, including where there may be risks to pupils, staff, property, the investigation process or the reputation of the School.

Alternatives to suspension may be considered where appropriate.

## **7.4 Invitation to Disciplinary Hearing**

The staff member will normally receive at least 48 hours' advance written notice of any disciplinary hearing.

The written notification will normally include:

- details of the allegations;
- copies of relevant evidence where appropriate;
- the possible consequences of the hearing; and
- details of the right to be accompanied.

## **7.5 Attendance at Disciplinary and Appeal Hearings**

If the member of staff or the person accompanying them cannot attend on the proposed date for the hearing, they may suggest a reasonable alternative date, which must normally be within five working days of the first date proposed. This five-day limit may be extended by mutual agreement between the staff member and the School.

If they fail to attend any re-arranged hearing without good cause, the School will be entitled to make a decision on the evidence available at the rearranged hearing in their absence.

## **7.6 Right to be Accompanied at Disciplinary and Appeal Hearings**

Staff are entitled to be accompanied at any disciplinary hearing (including any appeal hearing) by a person of their choice, be it fellow work colleague of their choice or trade union representative.

## **7.7 Disciplinary Hearing**

A disciplinary hearing will be convened as soon as reasonably practicable after the conclusion of the investigation. No decision will be made as to whether any disciplinary action is to be taken or the nature of any disciplinary action to be taken before the hearing takes place.

The hearing will usually be heard and chaired by an appropriate manager, who was not involved in the investigation (the "Chair").

Where possible, another member of SLT, or member of the School's HR support team, who is not involved in the case, will be present at the hearing to take notes.

The proceedings, any statements and all documents and records relating to disciplinary hearings will be kept confidential.

All proceeds will be recorded with minutes available to both parties.

## **7.8 Adjournment**

The Chair will have discretion to adjourn any disciplinary hearing (including any appeal hearing) as appropriate.

Adjournments may occur where further investigation, clarification or consideration is required.

## **7.9 Decision**

At the end of the disciplinary hearing, the Chair will normally adjourn the meeting before making a decision. Following the adjournment, the Chair may issue a verbal decision.

If the Chair is unable to reach an immediate decision following the hearing, they are entitled to deliberate on the hearing prior to issuing a decision in writing.

Decisions will be confirmed in writing as soon as reasonably practicable.

# **8. LEVELS OF DISCIPLINARY SANCTION**

## **8.1 Informal / Verbal Warning**

Minor cases of misconduct will be dealt with informally with the objective of improving conduct.

## **8.2 Level 1 – Written Warning**

In cases of misconduct a formal written warning will be given.

A first written warning will normally remain in force for six months.

## **8.3 Level 2 – Final Written Warning**

In the event of failure to improve or change behaviour during the course of a prior warning, or where the misconduct, infringement or offence is sufficiently serious to warrant only one written warning before dismissal, a final written warning may be given.

A final written warning will normally remain in force for 12 months.

## **8.4 Level 3 – Dismissal or Other Sanction**

In the event of a failure to improve or change behaviour or improve conduct during the course of a prior warning, or where the misconduct, infringement or offence is sufficiently serious to warrant dismissal, or for an act of gross misconduct, dismissal will normally result.

## **8.5 Action Other Than Dismissal**

A sanction other than dismissal may be imposed where appropriate, for example:

- demotion;
- transfer of duties;
- loss of responsibilities;
- additional supervision; or
- mandatory training requirements.

## **8.6 Summary Dismissal**

For an act of gross misconduct or some other fundamental breach of the School's rules or of the contract of employment the staff member may be summarily dismissed.

# **9. APPEALS**

Staff have the right to appeal a disciplinary decision by informing the Chair in writing within five working days of receiving notification of the disciplinary decision.

All appeals will be dealt with as promptly as possible and a date will be set for the appeal hearing as soon as is reasonably practicable after the Chair has received written notification of the appeal.

Wherever possible, the appeal will be heard by a senior manager, Director or governor who has not previously been involved in the case (the "Appeal Chair").

The Appeal Chair will confirm in writing the outcome of the appeal hearing usually within five working days of the appeal hearing, or as soon as is reasonably practicable.

The Appeal Chair's decision will be final. There is no further right of appeal.

# **10. CONFIDENTIALITY AND RECORD KEEPING**

The School will process disciplinary records in accordance with UK GDPR and the Data Protection Act 2018.

Records relating to disciplinary matters will be retained securely and only for as long as necessary in accordance with the School's retention procedures and the law.

All parties involved in disciplinary processes are expected to maintain appropriate confidentiality.

## **11. RELATED POLICIES**

This policy should be read alongside:

- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Low-Level Concerns Policy
- Whistleblowing Policy
- Online Safety Policy
- Data Protection Policy

## **12. MONITORING AND REVIEW**

This policy will be reviewed biennially or earlier where required due to changes in legislation, statutory guidance, safeguarding requirements or operational need.