Diocese of Chelmsford
Vine Schools Trust

Discipline & Dismissal Policy

This is a mandatory policy for all Vine schools that has been noted and implemented with no amendments by this school.

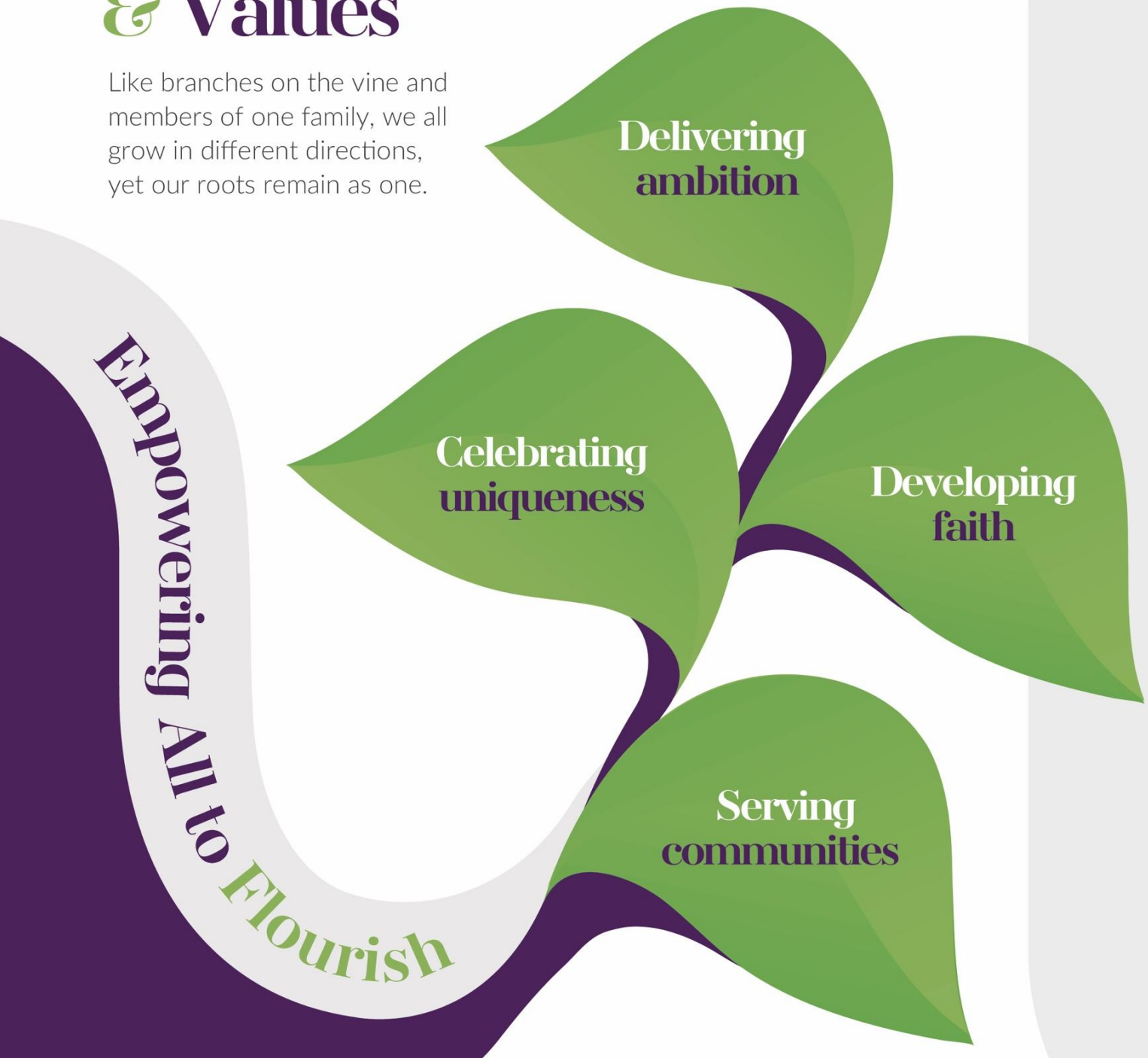
Approved by Vine Schools Trust on:	Autumn 2026
Adopted by this school on:	Autumn 2026
Next review:	Autumn 2027

> I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit

JOHN 15:5

Vision & Values

Like branches on the vine and members of one family, we all grow in different directions, yet our roots remain as one.



Changes to previous edition

No Changes

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The Diocese of Chelmsford Vine Schools Trust is a company limited by guarantee. Registered in England No 8709542. Registered Office 53, New Street Chelmsford CM1 1AT

1. Introduction

The Diocese of Chelmsford Vine Schools Trust (DCVST) is committed to being a fair and reasonable employer and to ensuring that disciplinary matters and other dismissals are managed in a consistent and non-discriminatory manner and these procedures set out how such matters will be dealt with.

In operating procedures, the DCVST and its managers will have regard to the particular needs of individuals and will make reasonable adjustments in consultation with employees, where appropriate.

The DCVST expects that, through effective day to day supervision, minor deficiencies in employees' conduct are brought to their attention at the earliest possible stage and remedied through these informal measures.

The object of the formal disciplinary procedure is to provide a framework to deal with cases of more serious misconduct or where informal measures have been unsuccessful in improving employee's conduct.

The disciplinary procedure accords with employment and education legislation and takes due account of the ACAS Code of Practice on Disciplinary Procedures (as amended ("the ACAS Code").

2. Scope

2.1 These procedures are applicable to all DCVST employees including those employed to work in individual schools within the DCVST and to staff who are employed to work centrally and/or support several or all Trust schools. In the case of employees who have less than two year's continuous service and/or who are undergoing a probationary period in line with the Probationary procedure, while the principles of reasonableness and natural justice reflected in these procedures and the ACAS Code will apply, it may be appropriate to foreshorten procedures, processes and relevant timescales, depending on the individual circumstances on each case.

2.2 Where misconduct relates to a child protection issue the 'Procedure for dealing with safeguarding allegations against adults' in school will be followed.

2.3 Dismissal may be for a number of reasons. The procedures covered in this document apply to dismissal relating to:

2.3.1 **Misconduct, including gross misconduct**

2.3.2 **Statutory prohibition**
It may be necessary to terminate a contract where a failure to do so would contravene an enactment (i.e. a requirement cannot be met and it would be illegal to continue the employment). Examples may include:

- An overseas worker's work permit or leave to remain is revoked/expires;
- Being disqualified by virtue of the Childcare (Disqualification) Regulations 2018 (where a wavier has been refused);
- An employee being placed on the DBS Children's Barred List;
- A driver loses their license (where driving is a requirement of the role).

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2.3.3 **Some other substantial reason (SOSR)**

This may include:

- Unsatisfactory pre-employment checks;
- Occasions where an employee's conduct outside of school may not in itself impact directly on the employment contract but may nonetheless raise serious concerns about a person's continued employment;
- An irreparable breach of the implied contractual term of trust and confidence in the employment relationship.

There are separate procedures for dealing with dismissals by reason of:

- Unsatisfactory performance/capability;
- Redundancy;
- Ill Health;
- Retirement;
- Failure to satisfactorily complete probation/Statutory Induction (Teachers)

2.4 **Disciplinary rules**

The types of issue which could result in disciplinary action being taken are outlined at Appendix C and are contained in employees' employment contracts.

2.5 **Trade Union Officials**

No formal disciplinary action or dismissal will normally be determined in respect of a recognised shop steward, or other accredited official of a trade union or professional association recognised by the employer, until the circumstances of the case have been discussed with a senior trade union representative, or full-time official of the trade union concerned.

No action will be taken against any employee in respect of alleged misconduct which arises from trade union duties or activities, until the matter has been discussed with a senior trade union representative or full-time official of the trade union concerned.

3. Roles and Responsibilities

3.1 The People and Culture Committee, as delegated by the Trust Board will define disciplinary rules and disciplinary/dismissal procedures.

The Trust Board will ensure that procedures are in place:

- To define and communicate disciplinary rules
- To consult employees regarding those procedures prior to adoption
- For the proper induction of new and promoted employees, and for day to day management and performance management of employees
- To deal with any minor deficiencies in conduct at the earliest stage through normal day to day supervision
- To monitor and review disciplinary and dismissal procedures to ensure that they are implemented in a timely, fair and consistent manner
- To ensure that appropriate pre-employment checks are carried out.
- Suspend employees and lift suspensions, where appropriate (chair only);
- Establish where appropriate, disciplinary/dismissal and appeals to committees.

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3.2 It is the responsibility of the headteacher and other managers to:

- Ensure that appropriate pre-employments checks are carried out;
- Ensure that all employees, particularly new staff as part of their induction, are aware of disciplinary rules and procedures;
- Deal with any minor deficiencies in conduct at the earliest stage through normal day to day supervision;
- Ensure that, where necessary, disciplinary and dismissal procedures are carried out promptly, fairly and consistently;
- Suspend employees where appropriate (See 3.4 below)
- Make initial dismissal decisions where appropriate (see 3.4 below)

3.3 Where possible, the investigation stage of the disciplinary procedure will be operated by a manager other than the headteacher and any formal hearing will take place before the headteacher who will adjudicate on the matter. The headteacher may be accompanied by a governor(s) and/or an HR advisor, but the decision will rest with the headteacher.

3.4 Specific roles and responsibilities

*Power to suspend and hear initial cases could be delegated below headteacher level e.g., to head of school, deputy head.

**A "Panel" can be a single individual or any number of individuals from the relevant group. In most cases this will be a panel made up of members of the School Governance Board. It may also be members from the Trust Board.

*** There should be separation between the person suspending and the person lifting suspension to ensure fairness and equity in the process.

	Key Priorities	Members	VTB (Including Committees)	CEO & Exec Team	School Governance Board / TIB	Headteacher
6.96	Discipline investigations for CEO		Deliver	Consulted		
6.97	Discipline investigations for Executive Team		Informed	Deliver		
6.98	Discipline investigations for Headteacher		Informed	Consulted	Deliver	
6.99	Discipline investigations for School based staff			Consulted	Informed	Deliver
6.100	Discipline investigations for Central Team		Informed	Deliver		
6.101	Suspension and lifting of suspension of CEO		Deliver	Consulted		
6.102	Suspension of Executive Team		Informed	Deliver		
6.103	Suspension of Headteacher		Informed	Consulted	Deliver	
6.104	Suspension of School based staff			Consulted	Informed	Deliver
6.105	Suspension of Central Team		Informed	Deliver		
6.106	Lifting suspension of Executive Team		Deliver	Consulted		
6.107	Lifting suspension of Headteacher		Informed	Deliver	Consulted	
6.108	Lifting suspension of School based staff			Consulted	Deliver	
6.109	Lifting suspension of Central Team		Deliver	Consulted		
6.110	Sanctions short of dismissal of CEO		Deliver	Consulted		

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6.111	Sanctions short of dismissal of Executive Team		Informed	Deliver		
6.112	Sanctions short of dismissal of Headteachers		Informed	Consulted	Deliver	
6.113	Sanctions short of dismissal of School based staff			Consulted	Informed	Deliver
6.114	Sanctions short of dismissal of Central Team		Informed	Deliver		
6.115	Dismissal of CEO		Deliver	Consulted		
6.116	Dismissal of Executive Team		Informed	Deliver		
6.117	Dismissal of Headteacher		Informed	Consulted	Deliver	
6.118	Dismissal of School based staff			Consulted	Informed	Deliver
6.119	Dismissal of Central Team		Informed	Deliver		

[1]Different individuals/groups will deal with each of the three stages to ensure appropriate separation of function.

Note 1: The term "Headteacher" is used to identify the person with responsibilities of headship within each School, who may be referred to locally as Headteacher, Principal, Executive Headteacher, or Executive Principal

Note 2: Where not involved directly in the relevant stage of the procedure (or subject to it in the case of the CEO), the CEO, Chair of School Governance Board and the Chair of the Trust Board will be notified prior to any decision to suspend and/or dismiss a member of staff.

3.3 It is the responsibility of line managers to:

- Provide appropriate induction and training and support
- Manage staff in a fair and professional way
- Ensure all concerns are taken seriously
- Implement the procedures in a timely, consistent and effective manner
- Record, monitor and report.

3.4 It is the responsibility of all employees to be aware of and comply with general rules and procedures referred to in their contract and conditions of service and the specific working rules and procedures related to their area of work and workplace.

4. Representation and Support

4.1 Support for employees

It is recognised that disciplinary/dismissal procedures may be distressing and stressful.

4.1.1 Employees may contact their union representative or other companion at any time and may ask for access to their employer's occupational health and/or counselling service where these exist.

4.1.2 It is in everyone's best interests to deal with the case and conclude matters as quickly as possible. Where an employee becomes unwell, advice will be sought from an occupational health adviser with a view to facilitating employees' participation in the process.

4.1.3 Where an employee is removed from their normal workplace/duties as part of the procedure (see 6. below), a member of staff will be assigned as a contact point to keep the employee up to date with work related issues. The person managing the disciplinary procedure will keep the employee advised of the progress of the case.

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4.2 Sharing information and referrals to the Disclosure and Barring Service

Every effort will be made to maintain confidentiality during the investigatory process and disciplinary proceedings.

4.2.1 The Trust and School Governance Board may be notified of any suspension and/or major investigations but not of the details of a case.

4.2.2 The employer will act in accordance with the provisions of the Education Act 2011 when investigating or considering an allegation against an employee made by a pupil at the same school. These provisions contain reporting restrictions preventing the publication of any material which could lead to the identification of any employee where an allegation is made by a pupil at the same school. Such restrictions cease to apply where an employee waives their rights by giving written consent or by going public themselves.

4.2.3 Referrals to the Disclosure and Barring Service (DBS) should be made as soon as possible when an employee is removed from regulated activity and it is believed that they have:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults, and/or
- been cautioned or convicted of a relevant offence.

This could also include when an employee is suspended or redeployed to work that is not regulated activity (see section 6 below), dismissed (see 9.4) or when they have resigned (see 7.8 below). When a safeguarding/child protection allegation is made, an investigation should be carried out to gather enough evidence to establish if it has foundation (see section 5), and employers should ensure they have sufficient information to meet the referral duty criteria. Employers should ensure they seek appropriate HR advice if they are unsure whether it is appropriate to make a referral to the DBS. Where a referral is made, the employee will be informed.

4.3 Representation

4.3.1 Employees have a statutory right to be accompanied at disciplinary hearings and appeals by a trade union representative, an official employed by a trade union or work colleague. Trade union representatives who are not employed officials must have been certified by their union as being competent to accompany an employee. Requests to be accompanied must be clearly communicated to the school allowing adequate time for the school to deal with the companion's attendance at the meeting. The request should be made in advance of the meeting (see 7.3 below) providing the name of the companion and whether they are a fellow worker or trade union official or representative.

4.3.2 Requests to be accompanied at investigation meetings, if held may be approved entirely at the discretion of the employer.

4.3.3 If an employee wishes to be accompanied by a person who is not a work colleague, an official employed by a trade union or trade union representative, they must seek permission from the employer in advance. All such requests will be given reasonable consideration and whether permission is granted will be entirely at the discretion of the employer.

4.3.4 Employees are responsible for making their own arrangements for their chosen companion to attend hearings. When considering their choice of companion,

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employees should bear in mind the practicalities of such arrangements and seek to identity a suitable, willing companion who is available to attend the hearing. All requests to be accompanied must be reasonable, which will depend on the circumstances of each individual case.

4.3.5 The companion will be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

5. Investigations

5.1 An investigating officer will be appointed, who's role it is to act independently to gather facts and evidence from all sides to determine whether or not misconduct has occurred and if so, whether there is a disciplinary case to answer

5.2 Employees will be informed of concerns or allegations as soon as possible and given an explanation of the likely course of action, unless there is an objection from Social Care or the Police.

5.3 The investigation may involve interviewing witnesses, the employee and other relevant parties and taking statements.

5.4 An investigation meeting will normally be held with the employee.

5.5 All reasonable efforts will be made to begin and complete the investigation without delay.

5.6 Where an employee's conduct is subject to a criminal investigation, charge or conviction the facts will be investigated. It will not normally be necessary to wait for the outcome of any prosecution before deciding what action, if any, to take.

5.7 In certain circumstances, the investigating officer may conclude that formal disciplinary action is not necessary but that professional advice should be given to the employee. This will be in the form of a letter of expectation which will be placed on the employee's file for the duration of their employment and thereafter held in accordance with the employer's retention schedule. Such advice does not constitute a disciplinary sanction.

5.8 Following the conclusion of an investigatory process, an employee may, with advice from their companion/representative, and the agreement of the employer, accept a disciplinary warning without being subject to the full normal procedure. This is called an 'agreed outcome'. In accepting an agreed outcome, an employee will forego their right of appeal. Agreed outcomes will not be considered where matters relate to safeguarding.

6. Suspension

6.1 In some cases it may be appropriate to remove the employee from their particular role, duties or location, or from the workplace entirely, for example where:

- the allegations are so serious that dismissal for gross misconduct could be a possible outcome;
- there is a risk of re-occurrence of the misconduct;

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- there is a tangible risk to property or person;
- allowing the employee to remain at work could hinder the investigatory process; or
- there is a statutory prohibition in effect which renders employment unlawful.

In some cases where an allegation is made but information is limited, the employee may be given a few days paid leave to allow further time to consider the appropriate next steps. If this is the case this should be communicated to the employee and the relevant arrangements should be confirmed in writing.

6.2 In appropriate cases, the following options will be considered prior to or as an alternative to consideration of suspension:

- reallocation of duties;
- relocation to another workplace or work area or work from home; or
- increased supervision in the workplace.
- In some cases where an allegation is made but information is limited, the employee may be given a few days paid leave to allow further time to consider the appropriate next steps. If this is the case this should be communicated to the employee and the relevant arrangements should be confirmed in writing.

6.3 Prior to any decision regarding suspension or alternative options to suspension, a detailed risk assessment will be completed to ensure the employer has reasonable and proper cause to suspend the employee, taking into account all the relevant risks. Where alternative options are not viable, and removal from the workplace is considered necessary, the employee may be suspended. The employee will be notified of the reason for their suspension, the initial duration of the suspension and any specific arrangements that apply e.g. regarding contact and access to school systems. The duration of any period of suspension will be kept to a minimum and will be reviewed regularly. If alternative arrangements to suspension are considered appropriate this will be notified to the employee and confirmed in writing.

6.4 Where an individual is removed from regulated activity and the criteria are met, a referral to the Disclosure and Barring Service must be made (see 4.3.2 above).

6.5 The power to suspend an employee and to lift such a suspension is set out in 3.4.

6.6 During a period of suspension, the employee will receive their contractual pay. Where an employee becomes unwell during a period of suspension, the normal certification requirements and reporting and contractual sick pay entitlements, will apply. If an employee is off sick at the point when the allegations arise, a risk assessment will be carried out to assess whether suspension or alternate arrangements with conditions are necessary during the period of sickness absence.

6.7 Where, at any stage (following the investigation or a hearing – (see 7 below)), it becomes apparent that the suspension/alternative work arrangements are no longer appropriate and/or necessary, the employee must return to work as soon as possible. Depending on the circumstances, it may be necessary to meet with the employee and make appropriate arrangements to manage their return.

7. Disciplinary/Dismissal Hearings

7.1 Disciplinary/dismissal hearings will be carried out without undue delay.

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7.2 The employee will be given at least seven working days' notice, in writing, of the date, time and place of any hearing. When given this notice, the employee will be:

- informed of the nature and details of the alleged misconduct/reason for proposed dismissal;
- informed of their right to be accompanied at the hearing by a representative (see 4. above) and of their right to call relevant witnesses;
- supplied with a copy of the evidence which is to be considered at the hearing, including any witness statements;
- given an indication of the possible penalty which could be imposed if the allegations were found to be substantiated, e.g. a formal warning or termination of employment by dismissal;
- informed who will conduct the hearing and where appropriate, the name of the presenting officer, including any advisers and the names of any witnesses* to be called.

7.3 Not later than three working days before the employee:

(i) must supply the name and status of their companion/representative;

(ii) must supply the names of any witnesses* they intend to call and an outline of the evidence they will give;

(iii) may submit a written statement or other supporting written evidence if they wish, either direct or through their representative.

*All parties should give careful consideration to whom they call as witnesses, limiting the numbers to the minimum necessary to support their case. Careful consideration should be given to the appropriateness of using character witnesses who have no direct knowledge of the issues under consideration.

7.4 At the hearing both parties may:

(i) present their case;

(ii) be questioned on the statements made by them and on any evidence they have submitted;

(iii) ask questions on any relevant aspect of the evidence presented by the other party.

7.5 Witnesses called may be questioned by both parties.

7.6 Employees are required to take all reasonable steps to attend hearings (see 12.3).

7.7 Where a criminal matter is pending and an employee is unable or is advised not to attend a disciplinary hearing or say anything about a pending criminal matter, a decision may be made based on the available evidence.

7.8 In safeguarding/child protection cases, if an employee resigns prior to a formal disciplinary hearing, the evidence will still need to be assessed through the formal hearing process to determine an appropriate sanction and a referral will be made to the Disclosure and Barring Service (DBS) (see 9.4). As this is not a disciplinary hearing, as the employment has ended, there is no right of appeal.

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8. Possible outcomes of disciplinary/dismissal hearings

8.1 All decisions made at disciplinary hearings will be based on the balance of probability. If at the conclusion of the investigation it is decided there is no case to answer, the employee will be notified of this and the outcome of the investigation will be confirmed in writing.

Where an allegation is proven, any sanction will satisfy the test of reasonableness in all the circumstances and will be proportionate.

The following mitigating factors will be considered in determining an appropriate sanction:

- the employee's disciplinary and general record, position and length of service;
- any explanation or mitigation put forward by the employee;
- any action taken in similar situations;
- any relevant unexpired warnings;
- any other relevant factors.

8.2 **Disciplinary sanctions**

Depending on the circumstances and following full consideration of relevant mitigating factors, disciplinary sanctions could take the following forms;

- written warning e.g. where there has been a failure to conform to standards;
- final written warning e.g. where there is further misconduct or the misconduct is considered to be sufficiently serious;
- dismissal with notice e.g. where conduct has failed to improve following previous warning(s) or where misconduct is sufficiently serious, dismissal may occur without prior warnings;
- summary dismissal e.g. where an act of gross misconduct has been committed.

Warnings will set out the:

- nature of the misconduct and expectations of future conduct;
- length of the warning; and
- consequences of any future misconduct.

8.3 Time limit for disciplinary warnings

8.3.1 Normally, the validity of disciplinary warnings will be considered to have expired after one year provided that no further warnings have been issued and no disciplinary action has been taken against the employee during that period. Exceptions are set out below. Expired warnings will be disregarded in the event of any future disciplinary action (although a record of the warning and will not be removed from the personal file) but the fact that there is an expired warning may explain why the employer does not substitute a lesser sanction.

8.3.2 There may be occasions, however, where the nature or pattern of misconduct and the post concerned do not make it desirable and appropriate for the one-year time limit to apply. In these circumstances the employee will be notified in writing of the period applicable to the warning, which will not normally exceed five years.

Exceptionally, there may be circumstances where the misconduct is so serious, relating for example to safeguarding children or vulnerable adults, that it cannot be

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disregarded for future disciplinary purposes. In such circumstances, the written warning can never be disregarded any recurrence may lead to dismissal.

8.4 Other dismissals

8.4.1 Unsatisfactory pre-employment checks:

- Where the employment has not commenced, the offer will be withdrawn.
- Where employment has commenced under a conditional offer the headteacher will make a decision whether to terminate the contract;
- Failure to disclose a relevant criminal offence constitutes gross misconduct and will usually result in summary dismissal. Otherwise dismissals will be with statutory notice.

8.4.2 **Statutory Prohibition**

Where the prohibition is evidenced and unavoidable, the headteacher will make a decision whether to terminate the contract;

- Where the prohibition is already in effect, termination will be with one week's notice;
- Where the prohibition is due to come into effect, as much notice as possible will be given.
- If the prohibition ceases to apply during the period of notice, notice of termination will be withdrawal.

9. Notification of outcome of hearings

9.1 Where possible the decision of the hearing will be notified verbally to the employee at the end of the hearing. In any case, the employee will be issued with a written notification of the outcome within five working days of the hearing.

9.2 Where appropriate, this letter will contain notice of dismissal and details of the termination date and any final pay. Notice of dismissal may be rescinded subsequently following a successful appeal.

9.3 Employees will be asked to sign and return a copy of such notifications to confirm that they have received and understood them.

9.4 Employers are required to refer appropriate safeguarding matters, including where a decision to dismiss is made, to the Disclosure and Barring Service (DBS) which will consider the employee's suitability to work with children (see 4.2.3). Where a referral has been made following redeployment/suspension an update must be provided to the DBS on conclusion of the case. Where an employee is undertaking teaching work and is dismissed (or would have been dismissed had they not resigned) for other disciplinary matters, a referral will be made to the Teaching Regulation Agency (TRA), as appropriate. The employee should be informed of any referral.

10. Appeals

10.1 An employee has a right of appeal against any disciplinary sanction/dismissal. An employee may forego their right to appeal.

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10.2. Notice of any appeal must be given in writing to the chair of the School Governance Board within five working days of receipt of the written notification by the employee of the outcome of the hearing, clearly stating the grounds upon which the appeal is made. Valid grounds for appeal may be:

- There was a flaw or error in the procedure;
- The penalty was unduly severe;
- The original finding was against the weight of evidence;
- There is evidence not taken into account which could affect the original decision;
- There has been an error of judgement on a point of fact.

Employees may be asked for clarification of the grounds for their appeal where this is not clear.

10.3 All appeals will be heard by the School Governance Board disciplinary/dismissal appeal committee. The decision of this committee is final, subject to the employee's rights at law.

10.4 The employee will be given at least five working days' notice of the appeal hearing in writing.

10.5 A disciplinary appeal hearing may be a full rehearing of the original case (see 10.5.1) or a consideration of a particular matter where the appeal is on a specific and narrow point(s) (see 10.5.2). An appeal will not normally hear matters which were not upheld at the original hearing. The format for the appeal hearing will be determined, upon receipt of the letter of appeal and communicated to all parties.

10.5.1 Re-hearing:

The procedure for a re-hearing will normally be as for the original hearing. New evidence, provided it is relevant to the original allegation(s), can be introduced by either party. All parties' papers, including any new evidence relevant to the appeal, must be submitted to the other party and the Appeals Committee at least three working days before the re-hearing.

10.5.2 Appeal on points:

The employee will present evidence to support their appeal point(s) and the original decision maker will respond to these as part of the appeal process. The Appeal Committee will then consider these submissions, together with the outcome letter and notes from the original hearing. New evidence will not normally be permitted at an appeal on points.

10.6 The outcome of the appeal will be notified as for the original hearing, except there is no further right of appeal within this procedure (see 9.1).

11. Records and Data Protection

11.1 Notes of hearings and meetings with the employee will be taken and shared with him/her as soon as possible after the hearing. The employee has the right to challenge the accuracy of any minutes and to have such challenges recorded.

11.2 No-one may record meetings or hearings, except for the clerk to assist with producing the minutes, where permission is given by all parties. A request from a disabled employee/companion to record the hearing will normally be considered as a reasonable adjustment in appropriate circumstances but will be subject to agreement

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by all parties. Any recording made will be destroyed once minutes/notes are completed. If an unauthorised recording is made by the employee this may result in disciplinary action. If an unauthorised recording is made by the companion this may result in the employer refusing to allow the companion to attend further meetings.

11.3 Details of any formal action, including any warnings will be retained on the employee's personal file.

11.4 Professional advice/letters of expectation which are not a disciplinary sanction will remain on file for the duration of the employment and thereafter will be held in line with the school's retention schedule.

11.5 If an investigation or hearing concludes that an allegation is totally unsubstantiated, unfounded or malicious, records will be removed from the employee's personal file on the conclusion of the case.

11.6 Details of any ongoing disciplinary action and/or sanctions, and in the case of safeguarding matters, expired warnings will be referred to when responding to an employee reference request.

11.7 The school processes personal data collected during the investigation stage and any subsequent stages of the disciplinary procedure (including any appeal) in accordance with its data protection policy. In particular, data collected as part of the investigation stage and any subsequent stages of the disciplinary procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the disciplinary procedure. On the conclusion of the procedure, data collected will be held in accordance with the school's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under this disciplinary procedure.

12. Timing / location of meeting/hearings

12.1 Employers are obliged to deal with disciplinary and dismissal matters without undue delay. It is expected that employees and their representatives will assist in this aim.

12.2 Where possible, timings of meetings and hearings will be agreed with the employee and their representative and will normally take place during the working day.

12.3 Employees and their representatives should make themselves available to attend meetings within a reasonable period of time. If the employee's companion is not available, for a reason that was not reasonably foreseeable, at the time proposed, one alternative date will be set, normally within five working days from the original date.

12.4 Where possible meetings and hearings will be held at a mutually convenient location, which meet any special needs of attendees and which may sometimes be away from the normal place of work where this is considered to be appropriate.

12.5 Reasonable time off with pay will be granted to employees who are acting as a witness or companion for an employee who is subject to the disciplinary process.

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13. Grievances raised during disciplinary/dismissal procedures

An employee may raise a grievance during the course of a disciplinary procedure, related to the case. This may be because they feel that the action being taken is for some other reason than their conduct.
In such cases, where the written grievance is submitted prior to the Appeal Hearing, the grievance will normally be dealt with as part of the formal disciplinary process. The onus is on the manager to ensure that the matters raised in the grievance are appropriately dealt with through the disciplinary procedure and that any decision is fair and free of discrimination.

If appropriate, given the nature of the grievance, the disciplinary/dismissal process may be temporarily suspended in order to deal with the grievance. This may be appropriate where the grievance alleges bias or discrimination.

If the grievance is unrelated to other matters, the two procedures may run concurrently.

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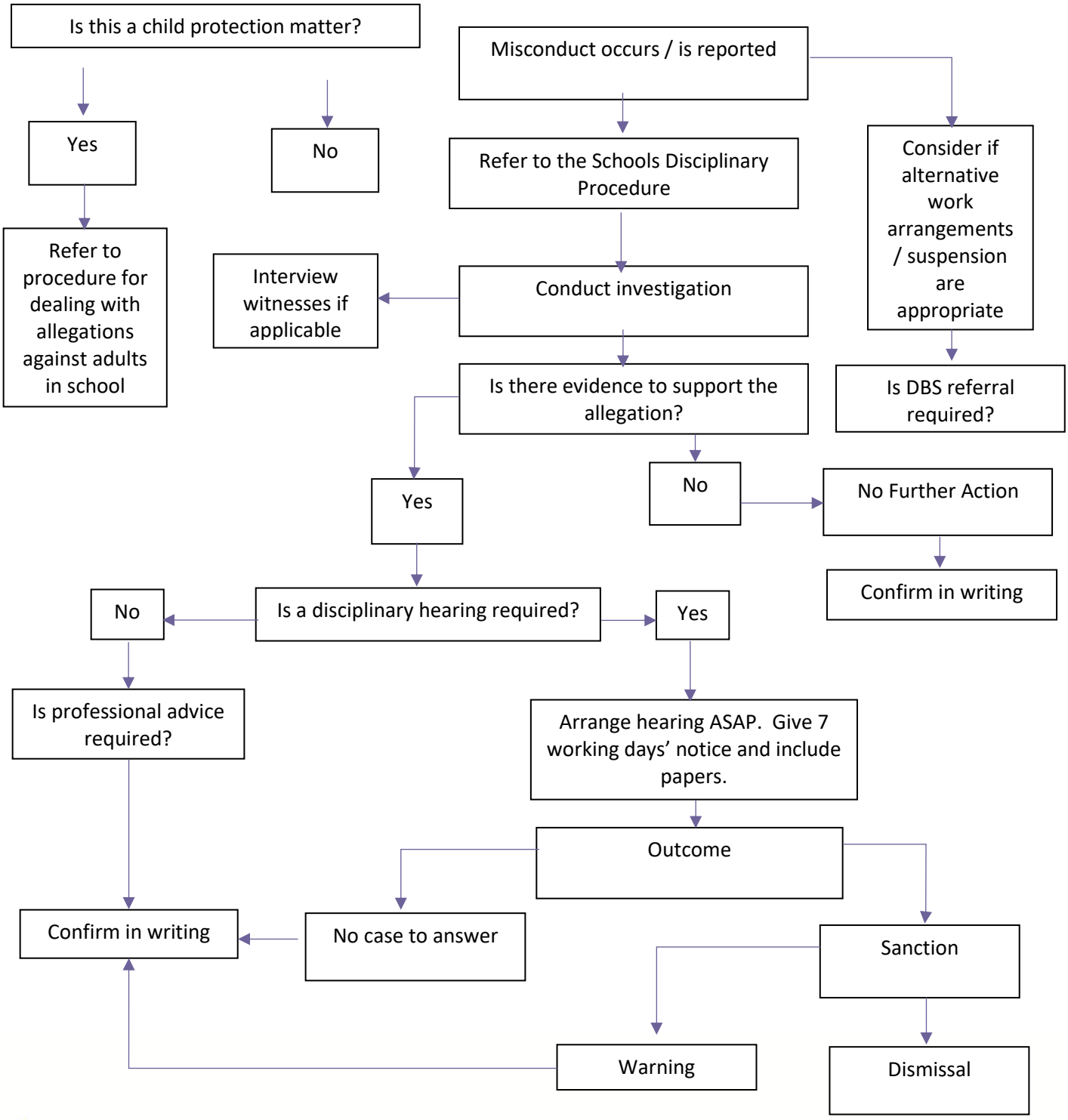
Appendix A – Disciplinary Procedure



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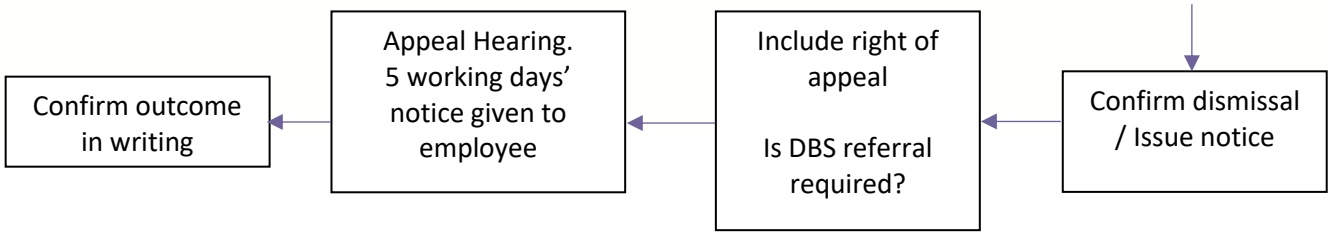

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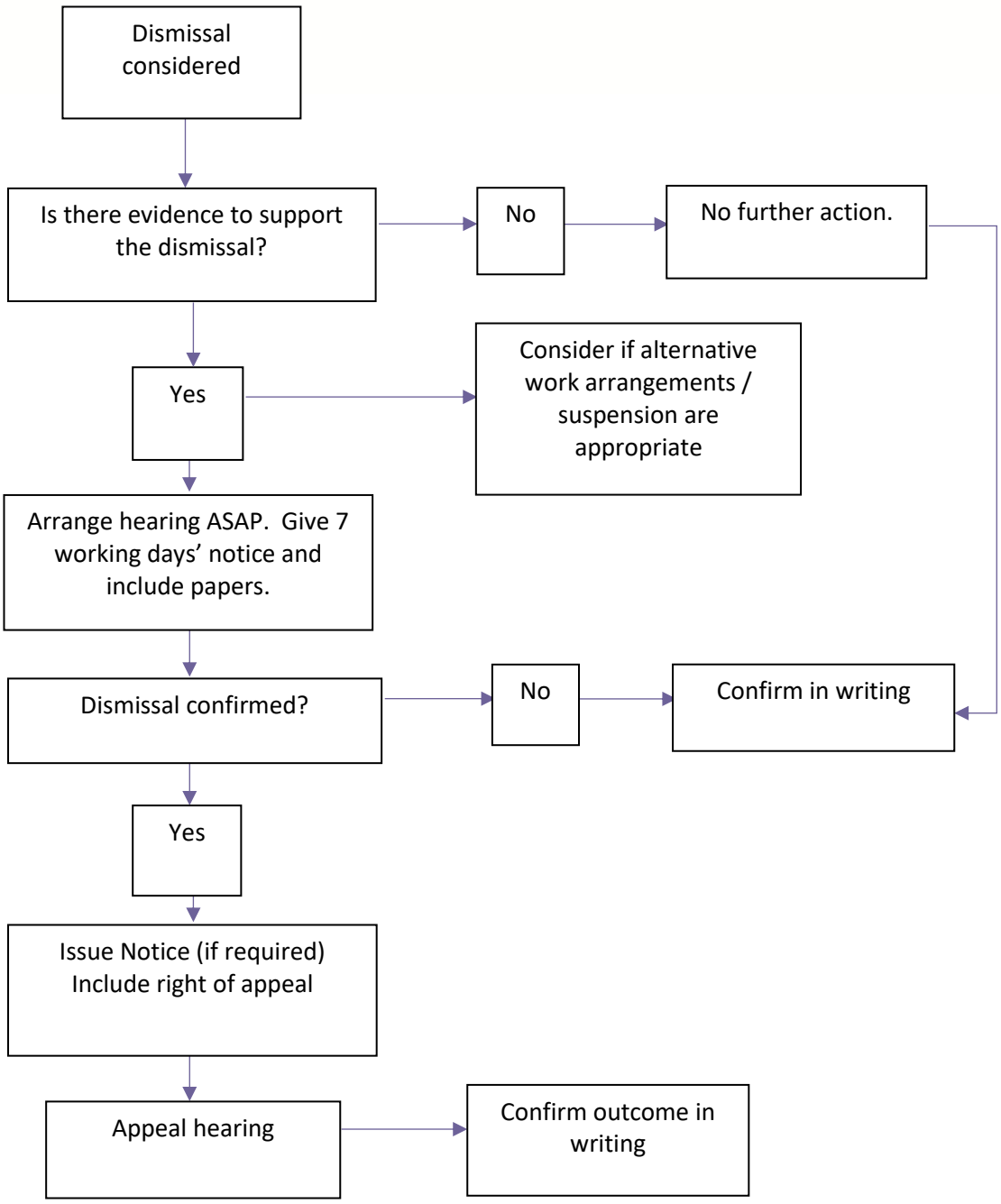
Appendix B – Other Dismissals Procedure



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Appendix C – Disciplinary Rules

Listed below are the types of issues which could result in disciplinary action being taken. The lists are neither exclusive nor exhaustive and there may be actions which do not appear but may nevertheless be the subject of disciplinary action.

Examples of misconduct/serious misconduct

In determining the seriousness of the misconduct, particular regard will be given to the circumstances of the individual case. Factors which can influence a decision as to the seriousness of the offence may include:

- The type, degree and frequency of the misconduct
- The consequences arising from the misconduct, and
- The level of responsibility of the employee concerned

Careful consideration will be given to the above factors in each case. There may be situations where misconduct which would normally lead to summary dismissal may warrant a lesser sanction. Similarly, there may be situations in which misconduct which would not normally lead to dismissal warrants such action.

Attendance **and Time-keeping**

- Continuing failure to comply with attendance and time-keeping requirements
- Continuing failure to follow procedures for booking and returning from leave
- Absenteeism and unauthorised absence from the workplace

Behaviour

- Refusal or failure to follow a legitimate management instruction
- Inappropriate behaviour or abuse of authority towards a colleague or member of the public or person in the care of the school/academy
- Insubordination
- Failure to comply with policies and procedures
- Abuse of the policies and procedures
- Conduct at work which is likely to offend decency
- Conduct which could bring the employer into disrepute
- Misuse of facilities

Poor Working Practices

- Failure to maintain proper records
- Failure to follow procedures e.g. financial regulations, standing orders
- Failure to comply with health and safety requirements

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General

- Misconduct in relation to official documents e.g. destroying or mutilating records, altering/erasing or adding to entries without legitimate reason
- Neglect of health e.g. committing an act or adopting conduct which may impede recovery and return to work whilst absent from work due to sickness
- Engaging in secondary employment without the employer's express permission where this is required

Conduct outside of the workplace which impacts on the employer, for example:

- Serious driving offences, particularly those involving alcohol or drugs
- Serious offences involving gambling

Any other act of misconduct of a similar gravity

Examples of Gross Misconduct

Gross Misconduct is defined as misconduct of such a serious nature that the employer is justified in no longer tolerating the employee's continued presence at the place of work.

- Unauthorised removal of property
- Stealing/theft from the school/academy, its governors, its employees or the public and other offences of fraud or serious dishonesty
- Sexual offences/misconduct (including serious misuse of the internet)
- Breaches of the Equality and Diversity policy, including serious acts of harassment, discrimination or verbal abuse against employees, clients or members of the public on grounds of race, sex, disability or religious belief or any other grounds
- Fighting / Physical assault / offences involving violence
- Possession of prohibited firearms, knives or other weapons
- Harming pupils (as defined by the Children's Act 1989, as amended)
- Abuse of a Position of Trust
- Establishing inappropriate relationships with children or young people, including through social networking sites
- Falsification of time sheets or subsistence/expenses claims, sickness self-certification etc.
- Other offences which seriously threaten the security of the pupils, members of the public, employees or property or which seriously damages public confidence in the employer
- Deliberate misuse of data protection information and/or deliberate interference with computerised information
- Falsification of qualifications which are a stated requirement of employment and which result in financial gain
- Malicious damage to property, arson and other major criminal damage

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- Serious breaches of Health and Safety legislation and/or the Health, Safety and Welfare Policy e.g. intentional or reckless interference with or misuse of anything provided by the employer in the interests of health and safety.
- Serious drug/alcohol related offences
- Serious breaches of the policy on use/misuse of the internet/data records
- Serious breaches of the Code of Conduct
- Failure to disclose any relevant criminal offences prior to employment and any criminal convictions which occur during employment

Any other act of misconduct of a similar gravity.

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